

Rules to understand
innovations and prohibited actions

FUNDAMENTAL PRINCIPLES OF SHIRK & BID'AH

Principles extracted from the work of
Rais ul Mutakallimeen

Hazrat Allamah رحمته الله عليه

Mufti Naqi Ali Khan

By
Mufti Muhammad Aslam Raza Memon Tahsini Shewani

Translation & notes by
Mawlana Muhammad Omar Khan Moini

محمد اسلم رضا ميمون شھواني
مفتي ناقي علي خان

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**FUNDAMENTAL PRINCIPLES -
TO COMPREHEND THE
QUR'ANIC VERSES
AND THE PROPHETIC AHĀDĪTH**

قواعد أصولية

لفهم الآيات القرآنية والأحاديث النبوية

(ضوابط لمعرفة البدع والمنكرات)

(Rules to understand innovations and prohibited actions)

Principles extracted from the work of
Raīs ul Mutakallīmeen
Hazrat Allāmah Muftī Naqī Alī Khan رحمته الله

المفتي نقي علي خان رحمته الله

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Dhūl Qā'dā 1439/July 2018

1st Edition

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

لِتَحْقِيقِ السَّيِّئِ وَالطَّيَّابِ وَلَا يُشْرِكْ

Compiled by

Mufti Muhammad Aslam Raza Tahsīnī Shewānī

Translations and Footnotes By

Mawlana Muhammad Omar Khan Mo'īnī

~

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Sattār Al-Qādirī and all others who contributed.**

*Please remember all those who have contributed to
the translation in any way.*

Dhūl Qā'dā 1439/July 2018

1st Edition

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At the final stages of the publication of this work, a huge loss occurred for the Ummah as great scholars of Islam departed from this world leaving behind a huge void:

1- The great Scholar of Hadīth, Fiqh and sacred sciences, The embodiment of piety and devotion, the successor of Raīs ul Mutakallimīn Mufti Naqī Alī Khan, A'lāHadhrat Imām Ahmad Raza Khān and Muftī A'dham Hind Shaykh Muhammad Mustafa Raza Khān ﷺ, our Master, Tāj ush Shari'ah Muftī Akhtar Raza Khān ﷺ left this temporary world during the Adhān of Maghrib at the commencement of 6 Dhul Qa'dah 1439 AH in Bareilly Sharīf India.

2- Another great calamity descended upon the Ummah with the departure of the great Maliki scholar and great Sufī Master, Shaykh Murābit ul Hāj in Mauritania, Africa.

3- A beloved brother, Muhammad Aqib Farīd Al Qadiri رحمته الله, who beautifully edited this work that is in the hands of the reader, sadly left this mundane world on 5 Dhul Qa'dah 1439AH.

4. A great scholar of the Ahl us Sunnah wal Jama'ah in China, Shaykh Dunig Qawan Abdullah رحمته الله left this temporary abode.

5. Shaykh Sayf ud Dīn Amsir رحمته الله, a great scholar from Indonesia left this world.

6. A great scholar whose religious verdicts guided the Ummah worldwide and were especially a source of guidance for the Muslims of Europe, Mufti Abdul Wajid Qadiri رحمته الله, left this mundane world in Amsterdam, Holland.

This work is dedicated to all the great scholars of Islam and especially to the aforementioned noble personalities. May Allāh increase their ranks and forgive us through their nobility and sincere services towards Ahl us Sunnah wal Jama'ah.

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لتحقيق السنة والطاعة ولا ينشر



Introduction

Introduction

All praise is for Allāh ﷻ; blessings and salutations on our Master, the Messenger of Allāh, upon his family and Companions and whosoever is dedicated to him.

This concise work is derived from the book, "Ūsūl ur Rashād li Qam'i Mabāni il Fasād" authored by Leader of the Theologians, Al 'Allamāh Imām Naqī Alī Khān ﷺ (Demise: 1297 Hijrī). In the aforementioned book, the great Imām has collected important, fundamental principles and rules in his splendid intellectual literary style.

These principles relate to the understanding of the Verses of the Holy Qur'ān and the blessed Ahadīth of the Noble Prophet ﷺ. Shaykh Naqī Alī Khān ﷺ guides readers to the sound methodology which the pious predecessors had all agreed upon. When the reader memorises these fundamental principles and comprehends them accurately, it will be an unconquerable fort for him that will protect him from confusion or from becoming prey to the hands of extremists who are excessive in the takfīr of the majority of the Muslims and rulers i.e. classing the majority of Muslims along with their leaders to be disbelievers.

In this work, we have set out the principles mentioned in the book of Shaykh Naqī Alī Khān ﷺ for the refinement of the thinking of our honourable contemporaries. We pray that Allāh ﷻ rectifies our circumstances and the situation of all Muslims. We also pray that Allāh ﷻ, protects the Islamic nation (Ummah) from the ideologies of the reckless, murderous extremists and that He guides us all to the Straight Path – the path of those whom Allāh ﷻ has blessed from the Prophets ﷺ and His pious friends (Awliyā ﷺ), the path of grace, mercy, love, and fidelity.

“And what excellent Companions they are!”

We pray that Allāh ﷻ makes this deed of ours purely for His Pleasure. Peace and Blessings of Allāh be upon our Master, Muhammad ﷺ and all his family and Companions رضي الله عنهم. All praise belongs to Allāh, the Lord of all the worlds.

The Humble Servant of Sacred Knowledge,

Muhammad Aslam Razā Memon Shewani

(Allāh forgive him and his parents)



قواعد أصولية

لفهم الآيات القرآنية والأحاديث النبوية

(ضوابط لمعرفة البدع والمنكرات)

THE FIRST PRINCIPLE

Legislative Terms will be understood to possess their literal meanings, wherever possible.

It is necessary to apply the literal meanings¹ of the terms used by the Legislator – (Shārey² شارع) such as Fasting (for “Sawm”), Ritual Prayer (for Salāh), Pilgrimage (for Hajj) and Obligatory Charity (for Zakāh) if that is possible. This is stated in ‘At-Tawdhīh’:

“When a word is used, it is necessary to apply its literal (real) meaning. When that is not possible, then the metaphorical meaning shall be applied.”³

There are certain benefits under this principle which are mentioned below;

The first benefit in regards to the definition of the word “Ilāh” (إله)

“Ilāh” (God)⁴ is the one who is “Worthy of Worship” - as clarified by Imām Fakhruddīn Ar Rāzī رحمه الله in ‘At Tafsīr Al

¹ Those in common usage and customary meanings; the closest and widely understood ones, not the remote meanings.

² **TRANSLATOR’S NOTE:** Legislator or Shārey’ is a word used for Allāh ﷻ as He decrees everything including the religious laws and it is applied upon the Noble Messenger ﷺ as he was given the authority by Allāh ﷻ to announce the rules of the Sharī’ ah and determine the rules of the Sharī’ ah. ‘Allamāh Az-Zarqānī رحمه الله in his commentary on ‘Al Mawāhib ul Ladunyah’ writes that the application of the word Shārey’ (legislator) upon the Noble Messenger of Allāh ﷻ has become famous because he legislated the Dīn (religion) and Ahkām (rulings). (Sharh uz Zarqānī ‘Alal Mawāhib il Ladunyah, Al Maqṣad uth thānī, Al Fasl ul Awwal)

³ At Tawdhīh - Al Qism 1

⁴ **EDITOR’S NOTE:** The words ‘god’ and ‘diety’ are synonymous translations of ‘Ilāh’; “god” is the most commonly used translation. Some jurists

Kabīr' when he said:

Whoever says, "Indeed "God" is "the one who is worshipped" then he has made an error because He was always "Ilāh" even when He was not being worshipped when there was no worshipper. Moreover, He is the Omnipotent, and there is none worthy of worship except Him, the Self-existent. And His statement, 'It is He, who fashions you in your mothers' wombs as He wills, none is worthy of worship except Him, the Most Honorable, the Most Wise.'¹ Therefore the meaning of 'Worthy of Worship' is not 'the generally worshipped' – without taking into account whether he is worthy or not.'² This is a religiously legislative word like other legislative words."²

As for the word 'Ilāh' in the meaning of "*al-Hākim*" (the Judge) or "*al-Mālik*" (The Owner)³ then that is merely a conjecture, not established within the Sharī'ah. None of the scholars of jurisprudence stated this. These two words (i.e. 'Judge' and 'Owner') are not synonymous with the word "Ilāh" nor do they associate with it to imply the same meaning.

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however, prefer not to use it because of the word "goddess" denoting a feminine opposite. However, the Holy Qur'ān uses the word "Huwa" for "Ilāh" which is masculine form, and for which there is no objection. Please note that it is a core Islamic belief that Allah ﷻ is free from body or bodily attributes (anthropomorphism). The word "deity" signifies anything that is being worshipped, which may not necessarily be 'Worthy of Worship'. "Deity" is therefore defined as 'god' 'goddess' or any object being worshipped. We have therefore used the word "God" (with Capital G) to translate the word 'Ilāh'.

¹ Surah Āle Imrān (3: 6)

² At Tafsīr Al Kabīr (Surah Al Baqarah) under Ayah 255 Vol 3 page 8 (summarised)

³ (as stated) in Taqwiya tul Imān Al Bāb 1 Al Fasl 1 fii ijtinābi 'an-il-ishtirāk

Words which do not imply polytheism (“shirk”) when used.

The application of the words, “Al-Samī” (the Hearing), “Al-Basīr” (the Seeing), “Al-Murīd” (the Intending), “Al Qādir” (the Powerful) and “Al-Ālim” (the Knowing) upon entities other than Allāh is not only permissible, but is a reality. Indeed, these words are rightly used for angels, jinns, and mankind. The difference is that the All-Powerful (Al-Qādir) independently, the All-Knowing (Al-Ālim) intrinsically, the True Ruler (al-Hākim) and the True Owner (Al-Mālik) is Allāh, the One, ﷻ.

Similarly, if actions that are not allowed for anyone except for Allāh ﷻ in the Law of our Master Muhammad ﷺ (e.g. Sajdāh - prostration) are carried out for anyone other than Allāh ﷻ they do not necessarily constitute polytheism (shirk). The condition in which prostration to anyone other than Allāh ﷻ is classified as polytheism is when it is done with the intention of worship. Prostration for reverence (ta'dhīm) was permissible in the previous religious laws, and it actually took place¹. Polytheism² can never be permissible because it is intellectually reprehensible. (There was never a God along with Allāh and no one is ever worthy of being worshipped except Allāh).

In summary, as per Islamic Law, Divinity (Uloohiyah) means “being worthy of worship” and being Necessarily Existing (Wājib ul Wujood³); therefore whosoever believes that Divinity and whatever it necessitates belong only to Allāh, then such a person is a Monotheist (Muwahhid)—i.e. a believer in the

¹ For example, the command of Allāh ﷻ to the angels to prostrate to Ādam ﷺ; the prostration of various nations to their prophets. (Allāh's blessings and peace be upon them all).

² Allāh ﷻ, was and will always remain the only One worthy of worship. Therefore, it is impossible for polytheism to have been allowed at any time.

³ The One Whose existence is necessary at all times.

18. _____ *Qāwā'id Ūsūliyāh*
'Oneness of the Divine Being' (Tawhīd). Accusing such a person of polytheism is a serious mistake and misguidance.¹

The second benefit regarding the definition of Worship (al-Ibādah العبادَةُ)

'Worship' (Ibādah) means the utmost degree of reverence and humility. This cannot be achieved simply through actions. Actions of this nature are for example standing with hands folded over the navel, circumbulating, giving money to a needy person or forsaking food and drink from morning until evening. These actions are not inherent acts of reverence let alone reaching the utmost limit of respect. Moreover, the basis of worship (Ibādah) is the intention and belief that the action being carried out is being done in such a way so that the limits of reverence are reached. For this reason, the mention of worship in the Holy Qur'ān is always connected to the mention of the Creator of all things and similar great attributes (of Allāh). This is because it indicates immense respect. Allāh the Almighty said:

¹ Summary of this discussion is that the idol worshippers said, "Indeed the Greatest God is more exalted than (there being) a servant worshipping Him. Moreover, it is befitting for a human being to be occupied in the worship of elders from the bondsmen of Allāh e.g. stars and heavenly souls. Then they (i.e. these elders) will become embroiled in the worship of the Greatest Deity." This is the meaning of their (i.e. the disbelievers') statement, (التفسير الكبير "سورة الزمر، تحت الآية" [مَا نَعْبُدُهُمْ إِلَّا لِيُقَرِّبُونَا إِلَى اللَّهِ زُلْفَى] – 3، 9/421) –

We worship them only so they get us closer to Allāh. (At Tafsīr Al Kabīr under Az Zumar – 39:3) This means that they used to worship other than the true God doing tawassul (making these false deities means) to Allāh. They used to view there to be worthiness of that for their false deities. This is absolute kufr (disbelief) and there is no doubt regarding that. It is not permissible to make analogy of this upon the Tawassul (making means of) the Ambīyā (Noble Prophets) and the Awliyā (friends of Allāh) to Allāh. This is because Tawassul to the Almighty in supplication (Dū'a) through one of His Awliyā is completely different to worship of anyone from the creations.

‘Such is Allāh, your Lord, and none is worthy of worship except Him; the Creator of all things –therefore worship Him.’¹

Imām Ar-Rāzī said, “Indeed the matter of worship is consequential to His being the Creator of everything. This is because a decree (in Arabic) starting with the particle “Fa” provides the meaning of causation. Thus, God being the Creator of all things necessitates that He be the exclusively worshipped. God is the only One Who is worthy of worship.”²

Actions which are not classed as signs of polytheism

Carrying out actions similar to those that have been mentioned earlier e.g. standing reverently and circumambulating someone or something are not “worship” of other than Allāh. They do not go against the Oneness of Allāh (Tawhīd) and nor do they necessitate polytheism (Shirk). They would be polytheism if carried out with the belief that the object is worthy of worship, or is necessarily existent or is the Absolute Provider, or is the Creator of the universe, or is Self-Existent, or is the actual Giver of benefit or harm or is one who is independent in giving death and giving life.

Actions which are amongst the signs of polytheism and rejection of faith

Amongst the actions which are classed as clear signs of polytheism and rejection of faith are prostrations in front of an idol or the placing of an amulet with polytheistic writings on the neck- the one who carries this out will be classed as a disbeliever

¹ Sūrah Al An'ām (6: 102)

² At Tafsīr Al Kabīr, Sūrah Al An'ām

20 _____ *Qāwā'id Ūsūliyāh*
according to Islamic Law.¹ The basis for this is the belief itself
and not anything else.²

Consequently, actions alone do not constitute disbelief. So, it is incorrect to decree the command of polytheism and disbelief out of one's whims and desires upon the one who carried those actions out that are not amongst the signs of polytheism. The ruling can only be placed when there is clear-cut evidence of holding disbelief within the heart when carrying out these actions. Only the clear provisions of Islamic Law can establish this.

The Third Benefit – Defining Polytheism

In Islamic Legislative terminology, polytheism means the ascribing of a partner in Divinity – that is ascribing partners to Allāh the Almighty. It is stated in Sharh ul 'Aqāid,

‘Polytheism means establishing partners in divinity – such as deeming the partners as “Necessarily Existing” as is done by the fire-worshippers, or considering them “Worthy of Worship” as is done by idol worshippers.’³

The Fourth Benefit: Defining Innovation

In Islamic Legislative terminology, the word Innovation (Bid'ah) carries two meanings:

THE FIRST MEANING: Innovation is such an action which the Prophet ﷺ did not himself carry out nor did he command that it be done.

¹ This is because the Islamic Sharī'ah (sacred law) classes this to be kufr (disbelief).

² The Mushrikīn (polytheists) prostrate before the idols with the belief that the idols are worthy of worship.

³ Sharh ul 'Aqāid of An-Nasafī by Imām Sa'duddīn At Taftazānī

Some have interpreted this to mean everything which did not exist at the time of the Prophet ﷺ. The actions of the Companions and the statements of the Leaders of the four schools of Jurisprudence (I.e. Imām Abū Hanīfah, Imām Mālik, Imām Ash-Shafi'ī and Imām Ahmad Bin Hanbal) have no connection to misguided, prohibited and disliked innovations. There is a consensus of Ahl us-Sunnah in this regard. It is therefore necessary to separate Innovation into virtuous and evil innovations. The leaders of religion and the scholars who carried out in-depth research have reached consensus in this regard. This is mentioned in the books of the early and latter scholars, without any difference in opinion.

A few statements of the scholars:

- 1) The statement of the Leader of the Believers (Amīr ul-Mu'minīn) Sayyidunā Umar رضي الله عنه in regards to Tarāwīh;

“How nice is this innovation!”

- 2) The statement of Sayyidunā Abd'Ullāh Ibn Umar رضي الله عنه in regards to Salāt udh-Dhuhā,

“It is an innovation and what a nice innovation it is! Indeed, it is from the most beautiful of things originated by the people.”¹

Thus, it is evident that the Sharī'ah does not dislike the invention of good actions and adhering to them. Moreover, the Sharī'ah loves this new action to such an extent that sometimes forsaking it necessitates reprimand and censure. Sayyidunā Abū Umāmah Al Bāhili رضي الله عنه deducted evidence based upon this pretension when he said, “You initiated the standing of

¹ Refer to Fath-ul-Bārī, Kitāb ut Tahajjud

Ramadhan so persist upon what you do and do not forsake it. For indeed Allāh praised the Descendants of Israel (Banī Isrā'īl) in His statement¹,

‘And they invited monasticism.’²

From the above, it is evident that if a thing is classified as an “Innovation” it does not negate it being innately good. Simply being an innovation does not make it an evil innovation. Moreover, the word ‘innovation’ can apply to a thing based on one perspective whilst that very thing can be described as a Sunnah based on another. This is the case with new things founded by the Rightly Guided Caliphs³. Their actions are innovations (Bid’ah) only in terms of the first meaning (i.e. not prevalent at the time of the Noble Prophet ﷺ). In fact, their actions are classed as a Sunnah in accordance with the Messenger’s statement,

‘Adhere to my Tradition (Sunnah) and the Tradition (Sunnah) of the Rightly Guided Caliphs.’⁴

Explanation regarding the Compilation of the Qur’ān

The point in regard to the actions of the Rightly Guided Caliphs being described as an “Innovation” (Bid’ah) and a “Tradition” (Sunnah) simultaneously is further proven by the statement of Sayyidunā Abu Bakr As Siddīq (رضي الله عنه) regarding the

¹ **EDITOR’S NOTE:** His Statement about the Christian monks, who invented monasticism.

² Sūrah Al Hadīd (57:27) – This quote is from Kashf ul Ghummah, bābu Salāt it Tatawwu’, fasl fit tarawīh, Vol 1 Page 146

³ Khulafā ar Rashidūn

⁴ Sunan Abī Dāwūd, Kitāb us Sunnah

compilation of the Noble Qur'ān (in a book form). Imām Al Bukhārī narrated this statement in his 'As Sahīh;

'I said to Omar, "How can you do a thing which the Messenger of Allāh did not?" Omar رضي الله عنه said, "By Allah this is good!" Omar continued repeating this to me until Allāh opened my heart for it, and I also perceived as Omar did.'¹

Imām Al Bukhārī narrates that Zaid Bin Thābit رضي الله عنه said, "Abu Bakr رضي الله عنه called for me on the battlefield of Yamāmah. Omar Ibn Al Khattab was with him. Abu Bakr رضي الله عنه said, "Omar came to me and stated, "There has been a huge amount of martyrdom of reciters of the Qur'an on the day of Yamāmah. I fear that the martyrdom of the reciters of the Qur'an will increase in the lands resulting in the Qur'an disappearing. I opine that you should command for the compilation of the Qur'an (in a book form)." I said to Omar, "How can you do a thing which the Messenger of Allāh ﷺ did not?" Omar رضي الله عنه said, "By Allah this is good!" Omar did not stop repeating this to me until Allāh ﷻ opened my heart for it and I also perceived as Omar did." Zaid stated, "Abu Bakr رضي الله عنه said, "You are a young and intelligent man. We do not accuse you. You used to write the revelation for Allah's Messenger ﷺ. So, you should research the Qur'an and compile it." By Allah, if he had given me the responsibility to move a mountain among the mountains, it would not have been as heavier for me than his command to compile the Qur'an. I said, "How can you do a thing which the Messenger of Allāh ﷺ did not do?" He said, "By Allah this is good!" Omar continued repeating this to me until Allāh opened my heart for the matter for which Allah had opened the hearts of Abu Bakr and Omar..."²

¹ Sahīh Al Bukharī, Kitāb Fadhāil il Qur'ān

² Sahīh Al Bukharī, Kitāb Fadhāil il Qur'ān

The statement of Sayyidunā Omar رضي الله عنه in response to Sayyidunā Abū Bakr رضي الله عنه and Sayyidunā Abu Bakr's words in response to Sayyidunā Zaid Bin Thābit رضي الله عنه mentioned by Al Bukhārī are explicit in proving that the Sahābah (Companions) approved certain new things and were perseverant in carrying them out and applying them. They commanded that certain new things be adhered to. The Sahābah رضي الله عنهم unanimously agreed to the compilation of the Holy Qur'ān (in a book form). On the other hand, the Sahābah رضي الله عنهم categorically detested some types of new things.

From the above, it is apparent that the Sahābah رضي الله عنهم agreed that innovation has different categories.¹

Furthermore, the Messenger of Allāh ﷺ pointed towards this categorisation (of new things) in his blessed statement,

‘Whoever established a good way in Islām, then for him is its reward and the reward of whoever acts upon it.’²

To interpret the word “established” (sanna) to mean “revived” (ahyā) without any necessity is close to distortion (Tahrīf). The reason why it is close to distortion is that the word “sanna” lexically does not at all mean revival; there is not a single narration within the Sharī'ah (that attributes the meaning of revival to this word). Furthermore, the word Sunnah is used in the Hadīth to mean Path. This meaning is indicated by it being limited to “Good” (hasanah) i.e. the good path.

¹ I.e. There are two types of Bid'ah— Al Hasanah (virtuous) and As Sayyi'ah (evil)

² Sahīh Muslim, Kitāb uz Zakāh

The great 'Ulamā believed that the word “established” (sanna) in the Hadīth means “to invent”. Mulla Alī Al Qārī states,

“Every innovation is misguidance”¹ – (However) the virtuous innovation (Al Bid'ah Al Hasanah) is distinguished² from this due to the Hadīth, “Whoever creates a good way in Islam, for him is its reward and the reward for whoever acts upon it. Also, from this is the statement of Omar رضي الله عنه, “How nice is this innovation!”³

Imām An Nawawī stated in his ‘Sharh Sahīh Muslim’ whilst elaborating on the Hadīth,

“No soul should be oppressively killed...,”

This Hadīth is from the principles of Islām. This principle is that if someone creates something evil then whoever follows him in that and acts similarly to him until the day of judgment, its burden will be upon him (i.e. upon the one who created the evil act). Similarly, whoever invents something good will have a reward equal to everyone who acts upon it until the day of judgment. This principle is in accordance to the authentic Hadīth;

‘Whoever establishes a good way...and whoever establishes a bad way...’⁴

¹ As Sunan of Ibn Mājah, Muqaddamah (introduction) of the compiler

² This means that the Hadīth which states that every Bid'ah is misguidance is عام (a general rule) from which there is an (exception) specific rule given by the Hadīth that states that whoever creates a good way in Islām will gain the reward of it and the reward of those who act upon it.

³ Sharh ush Shifā, Al Qism 2, Al Bāb 1

⁴ Sharh Sahīh Muslim, Kitāb ul Qasāmah

And Imām An Nawawī also stated under the same Hadīth,

This is an exception¹ to his (i.e. the Holy Prophet's ﷺ) statement, “Every new thing is innovation and every innovation is misguidance.”

Al Mulla Alī Al Qārī stated in commentary of the (following) Hadīth of Shaykhain (Imām Al Bukhārī and Imām Muslim);

‘Whosoever invents in this matter of ours what is not from it, then that matter is rejected.’²

The words “not from” indicate that inventing that which does not contradict the Qur’ān and Sunnah is not blameworthy.³

And he (Mulla ‘Alī Al Qarī) said in ‘Sharh ‘Ain-il-‘Ilm, ‘And Innovation is sometimes good, sometimes obligatory and sometimes permissible.’⁴

And Imām Al Ghazālī said,

‘And the statement of an individual, “Indeed that is an innovation –(for) it did not exist in the era of the Companions.” Then (know that) everything which is ruled to be permissible is not transmitted from the Companions. The innovation that is prohibited is the one that opposes a commanded Sunnah.’⁵

¹ i.e. the Hadīth which states that every new thing is an innovation and every innovation is misguidance is a general ruling from which the Hadīth stating that whoever invents a good act will gain the reward of it and whoever acts upon it until the day of judgement is a specific rule distinguished from the general rule.

² Sahīh Al Bukhārī, Kitāb us Sulh; Sahīh Muslim - Kitāb ul Aqdhiyah

³ Al Mirqāt ul Mafātih, Kitāb ul Imān

⁴ Sharh ‘Ain-il-‘Ilm Al Bāb 3 fis sawm wa kasr ish shahwati

⁵ Ihyā ‘Ūlūm-ud-Dīn, Kitābu Ādāb is Samā’i

Imām Al Ghazālī also said,

‘Nevertheless, even if it is an innovation and it is not proven from the Companions (Sahābāh رضي الله عنهم) or the Followers (Tābi'een رضي الله عنهم), indeed there are many innovations that are good (Hasanah).

So, the condemned¹ innovation is only the one which goes against the Sunnah.’²

Imām ‘Izz ud Dīn Bīn Abdus Salām opined, that in order to accept or reject a particular innovation it should be first tested against known Islamic principles. If the innovation falls under the obligatory principles then it is obligatory (Wājib). If it falls under the prohibitive principles, it is prohibited (Harām), and so forth.

Imām An Nawawī, Hafidh Al Baihaqī and Imām Ibn Hajar have narrated from Imām Ash Shafī'ī, “New things are of two types. The first of them is what is invented and opposes the Holy Book (Al Qur'ān), the Traditions (Sunnah of the Messenger and the Companions) or consensus (Ijmā'). This is the misguiding innovation. The other is what is invented from good (and is from those actions) that does not oppose any of them (i.e. it does not oppose the Qur'ān, Sunnah, narrations or consensus). This is not reprehensible.”³

‘The Terminology of the opponent is not the Legislative definition of Al Bid'ah’

(This aspect of our discussion) relates to the declaration of some people, “Indeed the religious matter which was not

¹ Evil or reprehensive

² Kīmyā e Sā'adāt

³ Read: Fath ul Ilāh fī sharh il Mishkāh, Kitāb ul Imān

found in the era of the Prophet ﷺ, the Companions and the Followers is an innovation.”

Even if this definition is in a book, no heed should be paid to it in comparison to the interpretations of the majority (of Islamic scholars). It is merely the terminology of the one who made the statement. It is not the accepted legislative definition of innovation (Al Bid'ah) at all. It is simply a fabrication by its inventor.

Regarding the doubt: how shall we do a deed which was not carried out in the previous eras and which the Prophet ﷺ did not do? The answer is that this objection was raised even at the time of the Companions and was refuted. Therefore, the basis (of permissibility) is the goodness of an action itself. The Companions had unanimously agreed upon the compilation of the Holy Qur'ān (in a book form) even though the Prophet ﷺ had not done this, nor ordered it to be done.

The fact of the matter pertaining to the definition of Innovation

THE SECOND MEANING of innovation (Al Bid'ah) is: A matter that goes against the Sunnah and is absolute misguidance. This is the meaning referred to in the majority of the narrations (A'hādīth). The threat (of punishment) mentioned in the narrations only relates to this type of innovation. And, from this perspective, the innovation (Bid'ah) in the Hadīth, (Every innovation is misguidance) is on its intended meaning. This comprehensive rule is correct without any further interpretation and distortion.

As for innovation as per the first meaning mentioned above (i.e. Bid'ah is the matter which the Prophet did not do nor permit), it is split into two types - good and evil. Therefore, the Hadīth, actually means,

‘Every evil innovation (Bid’ah Sayyi’ah) is misguidance.’

Another possibility is that the word “Every (Kul)” means “Most” or “In general”. The word “Every” is in the meaning of “most” in thousands of places within Islamic Law.

The Second Principle

The combination of good actions remains good

The combination of black and black will still result in black. In the same way the gathering of a good (matter or action) with a good (matter or action) will remain good. (And you could apply this analogy to many other things which are of the same essence). Thus, it is possible to say, ‘Indeed the reward for the gathering of good matters is more than the reward for every good matter (by itself).’ It is stated in ‘Sharh ul Mabāraziyyah,’

‘Indeed, the judgement is upon individual matters. If they are correct in the situation of combining them and (carrying them out) individually then the judgment of both will be indivisible.¹’

The Jurists deduce evidence from the nature of the individual elements to apply it upon the whole

The method of taking proof through the particulars of the parts regarding the status of the whole, has become well-known in the words of the jurists (Fuqahā) and scholars (Ulamā) without anyone rejecting it. It is mentioned in Al Mawāqif,

‘For indeed the attainment (of the ruling) of every part is conditional upon the ruling of the other; so there is a beginning

¹ I.e. It will remain the same, not differ.

to it and it is not permanent - and in the same way the (ruling) is applied on its total.’¹

Imām Ibn ul Amēer Al Hāj has explicitly stated in ‘Sharh Munyat il Musalli’ in Bāb ut Tasbīh (chapter of glorification) that using date seeds for counting the remembrance (Dhikr) of Allāh, is proven – so what harm is there when the date seeds and other seeds are placed on strings (thus becoming prayer beads)?

It is narrated in ‘Sharh Safar is Sa’āadah’ from Kathīr Ibn Shihāb that he said,

We asked the Leader of Believers, Omar Ibn Al Khattāb رضي الله عنه about cheese. He said, ‘Recite the Name (of Allāh) on it and eat it; for indeed it is made from milk, water and colostrums.’²

This means that there is no prohibition relating to consuming something which is composed of permissible (Halāl) portions.

Imām Al Ghazālī said,

‘So, if the individual parts are not forbidden, how will the whole be prohibited?’³

And Imām Al Ghazālī has also stated,

‘Indeed, when parts of permissible things are combined, its aggregate is (also) permissible.’⁴

¹ ‘Al Mawāqif’ Al Mawqif 5 fil Ilāhiyāt

² As-Sunan-ul-Kubrā by Al Baihaqī, Kitāb udh Dhahāyā

³ Ihyā ulūm al-dīn, Kitābu adāb is Samā’i

⁴ Ihyā ulūm al-dīn, Kitābu adāb is Samā’i

Al Hadīth in proving this principle

The origin to this principle is established in the blessed Hadīth;

‘I have indeed heard you Bilal! You read from this Sūrah and this Sūrah!’ He answered, ‘A Pure Speech (Kalām) - Allāh has gathered some of it with the other.’ The Prophet ﷺ said, ‘You have all done right.’¹

Ponder upon this! Sayyidunā Bilāl رضي الله عنه used to recite from various chapters of the Holy Qur’ān and he said that this is a beautiful Speech (Kalām) in which Allāh has gathered some of it with another. The Prophet ﷺ approved of his response and decreed his action correct. This was the case even though Sayyidunā Bilāl رضي الله عنه did not take into consideration the sequence within the Holy Qur’an.

A very well-defined, important principle is derived from the aforementioned Hadīth. Many contentious issues are resolved through this principle. These issues range from ‘Al Fatīhah (sending reward of deeds) to the souls of the Believers, voluntary Fasts and commemorating the Blessed Birth of the Holy Prophet (Al Mawlid un Nabawī) as well as many other matters which are free from prohibited acts.

The Third Principle

‘Primarily, All Things Are Permissible.’

Indeed, the original ruling regarding all things is that they are permissible (Mubāh)² (i.e. actions regarding which there is no

¹ Sunan Abi Dawūd, Kitāb ut Tatawwu’

² **EDITOR’S NOTE:** Mubāh means an act that is harmless; doing or not doing it is the same; it is therefore ‘permissible’, not impermissible.

prohibition in Islamic Law for carrying them out or forsaking them¹. When there is absence of any proof of an action being good or evil, then it is permitted or allowed– for it is neither good nor bad - according to the Sharī'ah. This rule is called,

‘The original permissibility as per Islamic Law.’

After this (permissibility is established), there is no need for any other proof from the Qur'ān and Sunnah. On the contrary, evidence will be sought from the one who claims that the action is prohibited or impermissible; for there is nothing that helps to decide that it be carried out or forsaken. So, the ruling remains that there is discretion to carry out this action or to leave it. In ‘Musallam uth-Thubūt,’ it is stated,

‘Permissibility is a ruling according to Islamic Law for it decrees a choice. Original permissibility is a category from it because whenever there is the absence of a legislative instruction establishing prohibition in carrying it out and forsaking it – then this is construed as an instruction from Islamic Law establishing the ruling of the legislator, providing choice. So, this, i.e. the (automatically granted) permission exists due to Islamic legislation – a view which is opposed by some of the Mu'tazila.²

And it is stated in Sharhu Musallam-ith-thubūt;

‘This means that the absence of a legislative instruction for such things, in itself constitutes an instruction - as the ruling of the Sharī'ah is to provide a choice. And (the rule of) Original

¹ **EDITOR'S NOTE:** If somebody carries out these actions, he is not condemned for doing so and if he forsakes them he is not reprimanded.

² Musallam uth Thabūt Al Bāb 2

Permissibility is only existent where an instruction does not exist from the Shari'ah for acting upon it or forsaking it.'¹

The evidences in relation to this issue

Allāh the Almighty states,

‘He created for you all that is in the earth.’²

Al Mulla Alī Al Qārī stated under the Hadiīth, " - ‘The Permitted is clear and the Prohibited is clear...’³;

‘i.e. the permitted is clear, not hidden – for the evidence is mentioned regarding its permissibility or a guiding principle is mentioned from which it is possible to extract the derivative rules; such as the Words of the Almighty,

‘He created for you all that is in the earth.’

For indeed the letter ‘L’(lām) meaning ‘for’ is used to give benefit. So, it is known that the original ruling for all things is permissibility unless there is some harm in it.’⁴

And in Al Hamawī the commentary on Al Ashbāh wan Nadhāir (by Ibn Nujaim Al Misrī),

‘And the proof of this statement is His Words: ‘He created for you all that is in the earth.’ He gave the information that He created it for us out of Grace. The most emphatic way of

¹ Fawātiḥ ur Rahmūt, Al Maqālah 2

² Sūrah Al Baqarah (2: 29)

³ Al Bukhāri, Kitāb ul Imān

⁴ Al Mirqāt-ul-Mafātīh, Kitāb ul Buyu’

benevolence upon us is the generality of providing benefit. Thus, permissibility is established.¹

And the Almighty stated,

‘Say (*O Dear Prophet Muhammad ﷺ*), “I do not find in what is sent down to me any eatable prohibited to a consumer, except if it is carrion, or blood flowing from blood vessels, or the flesh of swine.”²

It is stated in Tafsīr Madārik ut Tanzīl,

‘In it is a reminder that deeming something to be “forbidden” is only proven only through the revelation of Allāh and His legislation, not from the desire of the egos.’³

It is narrated from Sayyidunā Ibn Abbās رضي الله عنه,

‘The people of ignorance used to consume some things and forsake other things classifying them to be polluted. So, Allāh sent His Prophet, sent down His Book and made the permissible things, permissible and the prohibited things, prohibited. So, whatever He has decreed permissible, is permissible and whatever he decreed prohibited, is prohibited and whatever He remained silent about is excused.’⁴

It is stated in Ashi’at ul Lam’āt,



¹ Ghamzu ‘uyūn il basāir – Al Fann 1, Al Qā’idah 3

² Sūrah Al An’ām (6: 145)

³ Madārik ut Tanzīl – under Tafsīr of Sūrah Al An’ām (6:145)

⁴ As Sunan li Abi Dawūd, Kitāb ul At’imah

‘From this, we know that primary decree for all things is
“permissible”.’¹


At Tirmidhī² and Ibn Mājah  narrated from Sayyidunā
Salmān Al Fārsī ,

‘The permissible is what Allāh has permitted and the prohibited
is what Allāh has prohibited in His Book; and whatever He
remained silent about is excused by Him.’³

It is stated in Al Mirqāt ul Mafātīh,

‘In it is that the primary decree for all things is their
permissibility.’⁴

In Sahīh Muslim it is stated,

The Messenger of Allāh  said, ‘Indeed the greatest offender of
the Muslims amongst the Muslims - is the one who asks about
something that was not forbidden upon the Muslims but was
then decreed prohibited upon them due to his question.’⁵

The Ruling of prohibition or abomination without any legislative proof is a fabrication against the Legislator

When it has been established through clear evidence as well as
indicative proof from the Noble Qur’ān that the original ruling is
permissibility, then to give a ruling of prohibition (Hurmah) or

¹ Ashi’at ul Lam’āt, Kitāb us Saidi wadh dhabāih

² In Abwāb ul Libās of Al Jami’ ut Tirmidhi

³ As Sunan of Ibn Mājah, Kitāb ul At’imah

⁴ Al Mirqāt ul Mafātīh, Kitāb ul At’imah

⁵ Sahīh Muslim, Kitāb ul Fadhāil

disliking (Karāhah) without Islamic legislative evidence, or to deem things to be originally prohibited or to make staying silent about permissibility and prohibition to be the primary rule (as is the habit of some people) is fabrication against the Legislator, the Almighty Allah. As Allāh ﷻ says,

‘And do not say – the lie which your tongues speak – “This is lawful and this is forbidden” in order to fabricate a lie against Allāh.’¹

Al ‘Allāmah An Nablusī said,

‘And it is not prudence in relation to fabrication against Allāh to deem things (originally) prohibited or disliked as both of these require evidence. On the contrary, prudence is to deem permissibility which is the original ruling.’²

Al Mulla Alī Al Qārī stated in his thesis, (Al Iqtida Bil Mukhalif),

‘And it is known that the original (ruling) in every matter, is correctness (i.e. permissibility). As for the statement of (it being) wrong (i.e. prohibited) or disliked, then that needs clear evidence from the Holy Book or Sunnah or the Ijmā’ (consensus) of the Ummah...’

And Al ‘Allāmah As Sayyid Ash Sharīf ﷻ stated,

‘The permitted (Halāl) is by clear evidence (from the Holy Qur’ān and Sunnah) and the prohibited (Harām) is by evidence. The matters not mentioned remain upon the original (ruling) of permissibility.’

¹ Sūrah An Nahl (16: 116)

² Radd ul Muhtār, Kitāb ul Ashribah

It is in Al Hidāyah- Section of punishments: -

‘Indeed, permissibility is the original ruling.’¹

And it is in ‘Sharh ul Wiqāyah,’

‘When they judged flowing (blood) to be impermissible, that which does not flow remained on its original ruling which is permissibility thus necessitating purity.’²

Al Muhibb At Tabarī stated regarding an issue about the permissibility of kissing something having reverence for Allāh - that if no narration has come recommending it, then likewise no narration has come proving it to be disliked.³

It is evident that prohibition and disliking are from the rulings of Islamic Law and there is a need for legislative evidence in order to establish such a ruling. Permissibility too, is a rule of Islamic law, except that it being the original rule is proven (within the words of the Holy Qur'an and Sunnah) and is agreed upon by consensus.

Absence of a legislative ruling on an issue is sufficient to provide a choice for either carrying it out or forsaking it. This is what the scholars of principle have clarified. Therefore, the one who is seeking a distinct proof for permissibility himself needs to give proof (of his claim as to why he needs it). And yet, he gives rulings of impermissibility or abomination regarding thousands of intricate matters, without any solid proof. Is this not oppression and transgression?

¹ Al Hidāyah, Kitāb ut Talāq

² Sharh ul Wiqāyah, Kitāb ut Tahārah

³ See: ‘Umdat ul Qāri, Kitāb ul Hajj

The Jurists permit and approve of hundreds of issues which were not found during the first three eras.

The truth is that the jurists permit hundreds of issues which were not found in the first three generations, and the rulings of which were not mentioned in Islamic Law. There is no doubt that permissibility being the original ruling is a great, fundamental principle through which the permissibility of all the contentious issues can be established, with ease. This is enough to rebut the frivolous questions posed by the misled sect, such as, "Where is this action proven from?" and "Where is its proof in the Qur'ān and Sunnah?"

If people understood just this single principle, they would be saved from the deception of this error

If people understood just this single principle, they would remain protected from the deceit of this wayward sect and they would say to it in accordance to the rule of debate, "Indeed proving prohibition and disliking is your responsibility. If you are unable to prove it with an acceptable legislative proof, then original permissibility is enough for us."

Some members of the public and ignorant folk often utter the objection, "Verily the principle of original permissibility applies (only) to matters about which the Islamic Law is silent. As for the condemnation of innovations, the Ahādīth are vocal regarding it." This objection is also refutable when pondering on the application of innovation which we have discussed previously in this concise work. Through proper examination of innovation, it is clear that mere usage of the word "Al Bid'ah" does not necessitate it to be bad. Nobody deems any new matter to be permissible and meritorious which is already proven to be evil by Islamic Law. As for any new matter which is not proven within Islamic Law to be good or bad, it is

permissible. It is unjust to rule this to be disliked and misguidance. It is stated in 'Fath ul Bārī,'

'If an innovation is such that it falls under the approved/meritorious acts (Mustahsan) within Islamic Law, then it is good (Hasanah). And, if it is such that it falls under the repulsive within Islamic Law, it is repugnant. If it is neither, it is from the permissible acts.'¹

The Fourth Principle

It is permissible to take proof from the generality of the text and its application, without rejection.

Undoubtedly deducing proof from generality ('Ūmūm) and unconditional nature (Itlāq) has been in continuous usage amongst the people of Islām since the era of the Noble Companions (Sahābāh رضى الله عنهم) without any opposition. An example of this is the evidence put forward by Sayyidunā Omar رضى الله عنه before Sayyidunā Abū Bakr رضى الله عنه in relation to fighting those who were refusing to pay Zakāh. Sayyidunā Omar deduced evidence from the Prophet's ﷺ statement,

'I was commanded to fight the people until they say, 'There is none worthy of worship except Allāh.'²

Sayyidunā Abu Hurairah رضى الله عنه narrates, "When the Messenger of Allah passed away and Sayyidunā Abu Bakr was

¹ Fath ul Bārī, Kitāb Salāt-it-Tarāwīh, Bābu Fadhīlī man qāma Ramadhān

² Sahīh Muslim, Kitāb ul Imān, Bāb ul amrī bi qitālīn nāsī hatta yaqūlo...

TRANSLATOR'S NOTE: In Ūsūl ur Rashād li qam'i mabānil fasād, Imām Naqī Alī Khān states after mentioning the above Hadīth brought forth as proof by Sayyidunā Omar رضى الله عنه that Sayyidunā Abū Bakr رضى الله عنه acknowledged this and took proof from the following words of Allāh's Messenger ﷺ: "except by right." It will be helpful to mention the full narration to assist the reader;

appointed the Khalifah, a group of Arabs disbelieved. Sayyidunā Omar Ibn Al Khattab said to Sayyidunā Abu Bakr, "How will you fight when the Messenger of Allah stated, "I have been commanded to fight the people until they declare that none is worthy of worship except Allah. Whoever declared that none is worthy of worship except Allah then his wealth and life are secure from me except by right."¹ And his reckoning is with Allah." Sayyidunā Abu Bakr stated, "By Allāh, I will fight those who differentiate between Salah and Zakāh. Indeed, Zakāh is a right over the property. By Allah, I will fight them if they refuse to give even a part of a rope that they used to give to Allah's Messenger." Sayyidunā Omar Ibn Al Khattab states, "By Allah, I found nothing but that Allah had opened the heart of Abu Bakr for fighting and I fully recognized that this was correct."² Therefore Sayyidunā Abu Bakr acknowledged the proof deduced by Sayyidunā Omar from the generality of the blessed Hadith but explained that this situation came under the ruling of "except by right" – as Zakāh is a fundamental Islamic duty and a pillar of Islam.

Bahr ul 'Ulūm said,

'It means that the early generations, right from the Noble Companions, and those who followed them, and the latter generations – and anyone after them - would deduce Islamic Legislation from generality i.e. from the words that guide towards it.'

We now place before you the following discussions;

¹ If they violate the rules of Islām, they will be punished

² Sahīh Muslim, Kitāb ul Imān, Bāb ul amrī bi qitālin nāsi hatta yaqūlo...

The First Discussion

The Unrestricted (Mutlaq) rule applies to a specific circumstance within a specific group, or a known common circumstance. This is in accordance with the terminology of the principles of Islamic Jurisprudence as opposed to the terminology of Logic (Mantiq). It is important for you to understand the difference between the two terminologies so that the objector cannot deceive you. In order to explain this, we are giving an example. We see that there is generality within the following Hadīth of the Messenger of Allāh ﷺ,

‘In every five camels, there is a sheep (in Zakāh).’¹

This goes against the Ahādīth which clarify the negation of Zakāh for camels except for the camels which freely graze. Therefore, this rule being specific to the freely grazing camels (السائمة) is proven through other proof.

The Second Discussion

It is proven that acting upon the general or unrestricted (Al Mutlaq) requires freedom and application in such a way that all conditions are capable of being acted upon. This necessitates the application of the ruling along with all its specialties when considering it. However, this is not possible in relation to some of these specialties due to certain external factors. So, the primary rule in relation to the specialties of Al Mutlaq is that their rules will be applicable. The one who states this is classed as one who is adhering to the original (rule). This is because he is not in need of any proof to establish his claim. Moreover, the

¹ Al Mustadrak of Al Hākim, Kitāb uz Zakāh

opponent is the one who needs proof to establish opposition to the specialties of Al Mutlaq.

The situation in which the general remembrance of the Messenger of Allāh ﷺ is naturally permissible according to the people of Islām is accepted by the objector. There is no doubt that generally respecting the Messenger of Allāh ﷺ is proven from the Holy Qur'ān, the Sunnah and the consensus (Ijmā') of the nation. Therefore - whilst comprehending the above rule - it is against the rules of debate to seek proof from us regarding permissibility of Mawlid un Nabī (blessed gathering commemorating the birth of Allah's Messenger ﷺ) in a specific manner and standing (Qiyām) in the Majlis (gathering) of Mawlid un Nabī.

Similar to this is the ruling of general recitation (Tilāwah) of the Noble Qur'ān, remembrance (Dhikr) of the Lord of all worlds, Salutations and Blessings (Salawāt and Salām/Dūrūd Sharīf) upon the Mercy to all universes ﷺ, giving of charity, repetition of the Affirmation of Faith ("There is none worthy of worship except Allāh") and other such good actions which are proven to be meritorious. Every such matter that is good in itself falls under the general ruling or under the unrestricted rule. It is therefore not incumbent upon us to provide proof regarding Al Fatīhah (sending Thawāb) to the souls of the Muslims and other such matters. Moreover, it is necessary upon those who forbid that they bring proof of prohibition from the Qur'ān and Sunnah as well as other sources of proof for Islamic legislation.

And the objections in regards to these matters which are:

"Where is this proven from?"

"Show us where this is mentioned in the Qur'ān and Sunnah?"

"When did the Companions or the Followers do this?"

"And who amongst the leading jurists commanded this?"

Similarly, there are further objections which are mere errors and misleading for the general public. It is sufficient for us to refute them by stating, "These matters are good and the Qur'ān has clarified the beauty of them generally and unrestrictedly. So, if you are against them, you need to prove clear prohibition which is specific to these matters from the sources of Islamic legislation; otherwise we will not acknowledge what you utter – for it is in opposition to the clear words of the Qur'ān and Sunnah. Thus, it is we, who are holding onto the correct fundamental rulings, whilst you are going against the original and evident rules."

The Third Discussion

Shaking hands after Morning Prayer (Salātul Fajr) and Evening Prayer (Salātul 'Asr) has been described by Imām An Nawawī¹ and Al Khafāji as "Bidah Mubāhah" – "the permissible innovation" – whilst taking into consideration the repetition (of this act) and it being (carried out at a) specified time.² Ash Shaykh Abus Su'ud described it as being Sunnah due to it being amongst the categories of handshake (Musāfahah) which is a Sunnah act. Some have described it as "Good Innovation" (Al Bid'ah Al Hasanah) considering both aspects (i.e. looking at it in terms of it being a permissible new thing and also in terms of it being a part of Sunnah). Others have described it to be Sunnah from one aspect and Al Bid'ah Hasanah from another.

Shah Waliy'Ullāh Muhaddith Dahlawī, the author of 'Hujjat'Ullāhil Bālighah' quotes the statement of Imām An Nawawī and deduced the ruling of handshake after the Eid Prayer, upon the rule of handshake after the morning and

¹ Al Adhkār, Kitāb us salāmī wal isti-dhān

² Refer to: Naseem ur Riyādh Al Qism 1

evening prayers. He accepted and approved the concept that a matter which is ruled to be accepted within Islāmic Law remains to be such after application to specific cases.¹

Al Mulla Alī Al Qārī said,

‘I say, “It is permissible to act upon a weak narration (Dha’īf hadīth) especially when its narration is proven generally from the elder Companions.”²

Discourse regarding specification of some Chapters (of the Holy Qur’ān), specific supplications, and liturgies.

From here it is manifest to us that specifying some matters without believing them to be obligatory (Wājib) or necessary (Lāzim) is permissible and legislated by Islamic Law (Mashrū’). Examples of this include specifying some Chapters of the Holy Qur’ān in certain prayers (Salawāt), designating certain recitals and liturgies at a certain time, certain day, certain date or repeating these words for a certain amount of time. Similarly, the examples of this include specifying Tuesdays or Fridays for speeches, specifying the third day or fortieth day after death in order to send reward (Thawāb) to the deceased. Specifying Al Fatihah (sending reward) to the court of Sayyidunā Ash Shaykh Abdul Qādir Al Jīlānī رحمته الله on the eleventh or seventeenth of each month and to feed people with the intention of sending reward to the pious are permissible acts. This specification which is not obligatory has no effect whatsoever on the innate virtues of Prayer, recitation of the Holy Qur’ān, recitation of supplications and liturgies and giving of charity.

¹ Al Musawwa Sharh ul Muwatta, Bāb yustahabbul musāfahatu wal hadyatu

² Fath ur Rahmāni fī fadhāil i nisfī Sha’bānī (handwritten) page 712-713

The Fourth Discussion

Firstly: There are some people who take matters or actions which the Prophet ﷺ did not do, as an Islamic Legislative proof of prohibition (i.e. they deem the Prophet not carrying out an action to be the basis of impermissibility). They give preference to their rule over the general and unrestricted rules. Based on this they prohibit gatherings in commemoration of the Mawlid (Blessed Birth) of the Prophet ﷺ, standing in these gatherings, sending reward to the deceased as well as other good deeds and acts of generosity which are established from the general and unrestricted rules of the Sharī'ah. They describe these acts as "misguidance". The fallacy of this senseless ideology has been reviewed earlier in this concise text when analysing the meaning of 'Al Bid'ah' under the First Principle. As discussed in the First Principle, it is evident that an action is not affected by the absence of its occurrence during the era of the Prophet when the action is good in its essence. Moreover, there is no harm of such an action (which is good in its nature) not existing during the first three generations.

Secondly: The explanation of the objector opposes the objector himself based on his proposition – because all the matters which the Prophet ﷺ did not carry out and which later became the norm during the time of the Companions (Sahābah رضي الله عنهم) and Followers (Tābī'een رضي الله عنهم) would be called misguidance and abhorrent innovation. Moreover, all of it would be described as sinful!

Respecting the signs of Allāh, remembering Allāh and His Messenger, reciting the Holy Qur'ān, sending blessings and salutations upon the Prophet ﷺ, giving charity and other such matters (regarding which Islamic Law has mentioned the rules in general and unrestrictedly) are permissible in any form, manner

and time. One can carry them out so long as they do not oppose Islamic Law. Carrying out these actions is exactly in accordance with the Divine Command.

The Summary of the Statement

The rules of the core texts remain upon their generality and without limitation so long as there is no (opposing) restriction established within Islamic Law regarding its situation and timing etc. Furthermore so long as it is not (a situation in which it is) confined to its specific place or time due to opposing analogy (qiyās). This is because the scholars of the principles of jurisprudence do not take into consideration the specific nature (background) of the original rulings. Such scholars do not consider singular narrations (Al Ahādīth ul Ahād, not al mutawātir) capable of turning the general ruling into specific. How can unrestricted rules and their generality be made specific through the false notions of the objector?

It is astonishing how the objectors themselves rely on the generality of “innovation” and its unrestricted nature in hundreds of places! However, they seek explicit and specific evidence from the Holy Qur’ān and authentic (Sahīh) Hadīth in regards to every matter when addressing us. Furthermore, they demand independent proof for the permissibility of every derivative rule. They do not accept proof derived from the generality and unrestricted rules within the Verses of the Holy Qur’ān and Ahādīth by the leading scholars.

If only the objector was just towards the elders of the Muslim Ummah and he accepted for these elders what he has accepted for himself! For indeed we see that the objector relies on proving innovation simply through leaving – i.e. where the Prophet left any action and did not carry it out and there is nothing in the Holy Qur’ān and Sunnah commanding that this action be carried out. He presents this as a proof before us. He

deems that there is no need for any other proof after that to establish unlawfulness, disliking, prohibition¹.

However, he does not accept this proof (of deriving rules from the general principles within the Qur'ān and Sunnah) from our predecessors when they deduce proof through this (i.e. through the generality of Al Ahkām – rules). Is this justice? And that's not all. Moreover, the objector does not accept the views of these predecessors which are supported by the Qur'ān and authentic Sunnah unless the proof from the Qur'ān and Sunnah is explicit in the specific derivative rule which is being proven. So why is there such differentiation and why are separate standards being used?²

¹ *Translator's Explanatory Note:* This means that even when there is no specific prohibition regarding a specific action, the objector classes it to be prohibited by classing it to fall under the generality of Innovation.

² *Translator's Explanatory Note:* The objector does not consider the need for specific proof of prohibition which exactly applies upon the specific actions that he classes as being prohibited due to his understanding of innovation and he exclaims, "Where is this proven in the Holy Qur'ān and Sunnah?" However, when these specific actions are generally proven to be permissible by the pious predecessors through proofs from the Holy Qur'ān and Sunnah, the objector rejects these proofs stating that they do not specifically apply upon these specific actions. Why does the objector rely upon general proofs himself to try to establish prohibition and reject general proofs given by the scholars of Ahl us Sunnah wal Jamā'ah which prove permissibility. Furthermore, why does he base the reason of rejection to be the generality of the rules from which the proof is derived? It has been proven in this Principle that the noble scholars of this Ummah from the time of the Sahabah deduced permissibility from the generality of the rules within the Holy Qur'an and Sunnah. In order to understand the fallacy of the objector's reliance on the generality of innovation, the reader should refer to the discussions in relation to the definition of innovation which can be found in the First Principle of this concise work.

The Fifth Principle

A good action does not become censured due to connection with a repulsive act

A good action does not become condemned due to its link to an ugly action so long as its beauty is not conditioned upon it being free from such link. It is in the Hadīth of الوليمة (Sunnah act of groom inviting fellow Muslims after the consummation of his marriage) in which it is stated;

‘The food of Walīmah is the worst of food.’¹

Despite this, narrations are present that exhort one to accept invitations and there are severe warnings upon refusing to accept an invitation.

It is in Radd ul Muhtār, Chapter of visiting the graves;

‘Ibn Hajar Al Makkī said in his Verdicts², ‘It (visiting the graves) will not be abandoned because of prohibited acts and corrupt actions that may be found near them (the graves). This is because pious deeds are not to be left due to such things.

Moreover, it is upon a human being to carry it out and to disavow the innovations and to remove them if possible. I say, “This is supported by the evidence seen for not leaving the following of a Janāzah (funeral) even if there are hired female mourners.”³ (Summarised)

The original principle in this regard is to approve of that which is good, to forbid that which is not good and to dislike that

¹ Sahīh Al Bukhārī, Kitāb un Nikāh (Chapter of Marriage)

² Al Fatāwa Al Kubrā Al Fiqhiyyah, Kitāb us Salāh

³ Radd ul Muhtār, Kitāb us Salāh, Bāb Salāt-il-Janāiz

which cannot be prohibited. When the public carry out a repugnant act along with a good act and they make both inseparable to the extent that they do not carry out a good deed except when it is combined with a bad deed it is necessary upon the jurists (Muftis) of the sacred Islamic Law to prohibit the original taking into consideration the greater good. Many scholars used to forbid certain actions based on this reason. However, in this era of ours, the inclination of the general public towards good is scarce and the public have become distant from the religion. The masses have abandoned research completely—they do not ask anyone nor do they act upon anyone's advice. In this situation the vast majority of their actions would be characterised as being corrupt and they would not be affected by leaving the action. So prohibition has now become something that goes against betterment. The scholars therefore prevent the prohibition of those matters which are good in their essence but which are disliked due to external factors. It is stated in Ad Durr ul Mukhtār,¹

¹ *Translator's Note:* In Ūsūl ur Rashād, Raīs ul Mutakallimīn (Leader of the Theologians), Muftī Naqī Alī Khān ؒ writes that the scholars of the new school which prohibits those things that are permissible are extreme in all manners as they describe those things which are Mustahabb (preferred) within the Sharī'ah to be shirk (polytheism) and Bid'ah (innovation). All efforts of this new sect are targeted towards prohibiting good deeds which beautify Islam. They do not consider what the people will do when they forsake these good deeds. Raīs ul Mutakallimīn ؒ (Leader of the Theologians) goes on to state that the visible effect of these people's propagation is that a new dispute and daily strife has developed amongst the Muslims. The people of one Dīn (religion) have been divided into two camps. One group calls the other "Mushrik (polytheist) and Bid'atī (innovator)" whilst the other group calls the objector "Wahābī, misguided and Jahannamī (dweller of Hellfire)." Raīs ul Mutakallimīn ؒ (Leader of the Theologians) makes clear that actions such as Mawlid are not Fardh or Wājib and the scholars of Ahl us Sunnah do not blame the objector for not carrying them out. However, the course of action adopted by the objector which involves stopping others from carrying out permissible and praiseworthy acts has no benefit moreover it is harmfully establishing new principles which have resulted in the creation of a new sect. These people have rejected respect and reverence of the Prophets and Saints (which is proven and emphasised in the

‘As for the common people, due to their lack of inclination towards good deeds, they are not to be prohibited at all from reciting Takbīr or from the performance of Nafl (voluntary prayers).’¹

On this basis, the author of Al Bahr ur Rāiq wrote,

‘When the lazy people of the nation perform Fajr at the time of sunrise then this should not be forbidden upon them. This is because if they are prohibited they will leave these (actions) altogether. If they pray it is permissible according to some scholars of Hadīth and carrying out what is permissible according to some is better than completely forsaking.’²

So why does the objector not consider which direction the people will turn when they leave the good actions that have been mentioned earlier? The wealth which they spend out of devotion of the Prophets, the friends of Allāh and the pious will be spent on evil things.

The Sixth Principle The General Rule regarding imitating disbelievers and innovators

Prohibition of the imitation of disbelievers and innovators is conditional upon several matters;

=

Holy Qur'ān and Sunnah) and they have given this rejection of respect the name of 'Tawhīd' – monotheism.

Ūsūl ur Rashād li qam'i Mabānil fasād, Al Qa'idah Al Khamisah, Page 200

¹ Ad Durr ul Mukhtār, Kitāb us Salāh, Bābu Salātil 'Eidain

² Al Bahr ur Rāiq, Kitāb us Salāh

The First Matter: **Intention and aspiration towards imitation**

Actions are based upon intentions and for everyone is what he intends. It is stated in 'Al Ashbāh wan Nadhāir',

‘Matters are according to their purposes.’¹

It is stated in Ad Durr ul Mukhtār with a quote from Al Bahr ur Rāiq,

‘Indeed, imitating them is not disliked regarding everything. In fact, it is only (disliked) regarding the reprehensible acts and in which the purpose is imitation.’²

It is stated in a Hadīth in which prohibition is mentioned,

‘Whoever imitates a nation is from them.’³

And furthermore, it is stated in other Ahādīth,

‘Whoever imitates others is not from us.’

‘Do not imitate the Jews and Christians.’⁴

There are other similar Ahādīth as well. The verb used in these Ahādīth is from the specialty of which is exertion from the subject i.e. the doer; like Tamarrudh and Takawwuf which respectively mean ‘he made himself out to be ill’ and ‘he made

¹ Al Ashbāh wan Nadhāir, Al Fannul Awwal, Al Qawā'id ul kulliyyah

² Ad Durr ul Mukhtār Kitāb us Salāh, Bāb mā yufsid us Salāh wa ma yukrahu fiḥā

³ Sunan Abi Dawood, Kitāb ul Libās

⁴ Al Jāmi' At Tirmidhī, Abwāb ul Isti-dhāni wal adāb

himself out to be Kūfī' when in actuality he was not ill and was not a Kūfī.

Many acts of worship and hundreds of social dealings of Muslims are similar to the conduct of disbelievers and innovators. Therefore, without intending and (making similarity to be the) purpose, the ruling of prohibition and disliking will not be given. There is agreement between both sides on this. Rarely does one find the compulsory or obligatory acts of Islām that are free from such similarity and consistency. Muslims have a fast and the Hindus have a fast which they call 'Barat.' The disbelievers prostrate to their false deities and circumambulate around them to the extent that these actions were common amongst the polytheists of Makkāh Al Mukarramah. Muslims also prostrate towards the Ka'bah and circumambulate around it.

The Second Matter: It is necessary that imitation be of a symbol of their faith

This has been clarified by the scholars. It is stated in Sharh ul Fiqh il Akbar;

‘Indeed we are forbidden from imitating disbelievers and the people of innovation in relation to their symbols. We are not forbidden from every new thing regardless of whether it is permissible, from the actions of Ahl us Sunnah, from the actions of the disbelievers or from the actions of Ahl ul Bid’ah.

Therefore the basis of prohibition is the symbols (of their religion)’¹

¹ Sharh ul Fiqhil Akbar

The Third Matter: Specifying an action to the opponent group and prohibition of the action due to imitation cannot be imagined, unless the action was started by them (i.e. by the opposing group)

It is not necessary for us to leave our traditions merely due to the disbelievers adopting them by copying us. An example of this is the custom of tying a turban which has become widespread amongst the Hindus and others. It is not appropriate for a Muslim to leave these actions due to the disbelievers embracing them. The Muslim who has a turban will never be considered from amongst the groups that are opposed to Islam.

Discussion regarding changes in the customs of the disbelievers and innovators

The Fourth Matter: When the traditions of the disbelievers and innovators change relating to an action or the exclusiveness of the action to them no longer remains due to it becoming widespread to the extent that it is no longer classed as being their symbol, then the ruling of it changes as well.

Al Qastalānī stated¹,

‘As for what Ibn ul Qayyim mentioned from the story of the Jews, Hafidh Ibn Hajar said, ‘Deriving proof from it is only correct during the time in which the specific garments (called Tayālisah) were regarded as their (religious) symbols. That symbolism has vanished in these times therefore the garment has entered into the generality of permissible things. Ibn ‘Abdis

¹ Al Mawāhib ul Ladunyah

Salām has mentioned it amongst the examples of “permissible innovations”.¹

The Seventh Principle

Greatness and Honor are attained by Time or Place when associated with a Great Thing

Indeed, time and place attain nobility, respect and loftiness due to their relation and connection to something noble and revered. In this situation pious deeds and acts of worship (Ibādah) in that place and time are more beneficial and the luminosities and blessings are multiplied. There is a beautiful effect for a pious action when it is carried out in the presence of the Prophets and the friends of Allah during their lives and near their tombs. This is the ruling regarding all things attributed to noble and great matters. The greatness of Al Haramain Ash Sharīfain (the two holy sanctuaries – Makkah Al Mukarramah and Al Madīnah Al Munawwarah) is only due to their connection to the Court of Allāh ﷻ and their link to the Messenger of Allāh ﷺ. The reward for actions carried out in these two places is increased due to the exaltedness they attained through this connection.

Similarly, the nobility of the Prophetic era and the loftiness of the people of his time are from the obvious matters. This is similar to the greatness that is referred to in the generality in the word,

‘They come humbly to you’

in the blessed Verse,

¹ Fath ul Bāri, Kitāb ul Libās, Bāb lubs il harīri lir rijālī....

‘And if they, when they have wronged their own souls, come humbly to you and seek forgiveness from Allāh and the Noble Messenger intercedes for them, they will certainly find Allāh as the Most Accepting of repentance, the Most Merciful.’¹

Presence in the court of Al Mustafa ﷺ and repentance in his presence results in such repentance being accepted completely.

In the same way it is proven in the following Statement of Almighty Allāh that the revelation of the Qur’ān is what blessed Ramadhān with the worship of fasting and which made it distinct from other months,

‘The month of Ramadhan, in which the Qur’ān was sent down.’²

It is established in the Hadīth:

‘Know that the Messenger of Allāh ﷺ was the most generous of people and he was most generous in Ramadhān when Jibrīl would meet him. He (Jibrīl عليه السلام) used to meet him every night of Ramadhān and would repeat the Holy Qur’ān with him.’³

And concentrate on the Words of the Almighty,

‘And take the place where Ibrāhīm stood as your place of prayer.’⁴

¹ Sūrah An Nīsa (4: 64)

² Sūrah Al Baqarah (2:185)

³ Al Bukhārī, Kitāb Bad’-ul-wahy

⁴ Sūrah Al Baqarah (2:125)

Allāh made that stone a place of Prayer for the people upon which Sayyidunā Ibrahīm ﷺ stood when he was building the Ka'bah and when he was announcing Hajj. Allāh placed the mark of Sayyidunā Ibrahīm's ﷺ feet upon the stone. Shāh Abdul Azīz, (son of Shāh Walīyullāh - author of 'HujjatUllah-il-Bālighah'), wrote under the Tafsīr (exegesis) of this Verse, 'Indeed standing and carrying out acts of worship besides this stone is like being present and carrying out worship (of Allāh) besides Sayyidunā Ibrahīm ﷺ.'

And Shāh Abdul Azīz stated under the Verse;

‘Undoubtedly Safā and Marwāh are among the symbols of Allāh’¹

Indeed, Safā did not become a symbol from the symbols of Allāh except through the blessing of Sayyidāh Hajir ﷺ as she attained proximity in the Court of Allāh besides these two mountains. It was here that the clouds of calamity split and she was relieved of her difficulties.

Allāh the Almighty also stated,

‘Indeed, the sign of his kingdom will be the coming of a (wooden) box to you in which from your Lord is the contentment of hearts and containing some remnants left behind by the honorable Mūsa and the honorable Harūn, carried by the Angels.’²

The exegeses state under this Verse, ‘Indeed there were some blessed relics of Sayyidunā Musa and Sayyidunā Harūn

¹ Sūrah Al Baqarah (2:158)

² Sūrah Al Baqarah (2: 248)

ﷺ. The Banu Isrāeel (tribe of Israel) used to take blessings and make them a means during battles for their supplications to be accepted. They would be successful and victorious in the battles through the blessings of what Mūsā ﷺ left in this wooden box.¹

Similarly, there are many authentic Ahādīth explicitly proving the position that focusing on acts of worship in blessed times is very beneficial. An Nasai narrated that the Prophet ﷺ said,

‘The best of days in which the sun rose is Friday in which Ādam was created.’²

Al Mulla Alī Al Qārī stated under the Hadīth,

‘In it I was born and in it I migrated,’

“In the Hadīth there is indication of time being given nobility due to what occurs in it and similarly place (is given nobility on the same basis).”³

Imām An Nawawī and others have established this very issue (of time and place being blessed due to connection with something noble) through Ahādīth. It is narrated in Sahīh Muslim from Sayyidunā ‘Utbān Bin Mālīk رضي الله عنه,

Something afflicted my eyesight. So, I sent a message to the Prophet that “I desire that you bless me with your presence and lead me in Salāh in my home so I can take it as a place of Prayer.”⁴

¹ Refer to Ma’alim ut Tanzīl Sūrah Al Baqarah under Verse 248 as well as Lubāb ut Ta’wīl and At Tafsīr Al Kabīr

² Sunan An Nasai, Kitāb ul Jumu’ah

³ Mirqāt ul Mafātih, Kitāb us Sawm under the Hadīth: «فيه ولدته، فيه أنزل عليّ».

⁴ Sahīh Muslim, Kitāb ul Imān

In one narration (regarding the same narration of Sayyidunā 'Utbān Bin Mālik) it is stated,

‘Then he drew a line for me.’¹

Imām An Nawawī stated in his commentary,

‘Among the benefits of this Hadīth, is to obtain blessings through the relics of the pious and establishing Prayer where they performed Prayer.’²

At Tahtāwī transmitted from ‘Al Minhāj’ by Al Halīmi and ‘Shu’b ul Imān by ‘Al Baihaqī’:

‘Indeed, supplication is accepted on Wednesday after the declination (of the Sun)³ before the time of ‘Asr. This is because his (the Prophet’s ﷺ) supplication was accepted, upon the groups (during the Battle of Al Ahzāb) on that day. Jābir used to aspire for that (day and time) in relation to his important matters. And he mentioned that no matter is commenced on Wednesday except that it is completed. So, it is appropriate to begin such things as teaching on Wednesday.’⁴

Imām Ash Sha'rānī stated in ‘Kashf ul Ghummah,’

‘And the Companions used to look for the relics of the Prophet ﷺ.’⁵

¹ Narrated by Abu Nu'aim in Ma'rifat-us-Sahābah – Bāb ul ‘Ain

² Sharh Sahīh Muslim, Kitāb ul Imān

³ This means the starting time of Salāt udh Dhuhr

⁴ Hashiyat-ut-Tahtāwī ‘alad Durr, Kitāb ul Hadhr Wal Ibāhah

⁵ Kashf ul Ghummah, Kitāb us Salāh, Bābu Adābis Salāh

It is stated in 'Jadhb ul Qūloob': 'Indeed Amīr ul Mu'minīn Sayyidunā Omar رضي الله عنه came to Masjid ul Qūbā one day and he said, "By Allāh! Indeed, I saw the Prophet ﷺ carrying the stones for this Masjid along with his Companions. So, if this Masjid was in any corner of the Earth we would aspire towards it." Then he swept the Masjid himself.'¹

As for the statements of the leaders of religion and the research scholars in relation to this matter, Imām Al 'Ainī stated in commentary of Sahīh Al Bukhārī, 'Indeed seeking blessings from the place of the pious, continued since the time of the pious.'²

The Eighth Principle

The Conduct of the people of Islam is a Legislative Proof

The conduct of the common and the elite people of Islām is a basis in Islāmic Law. Hundreds of rules are derived from this conduct within the books of jurisprudence. Many religious matters are based upon this. Allāh ﷻ said,

'And whoever opposes the Noble Messenger after the right path has been made clear to him, and follows a way other than that of Muslims, we shall leave him as he is, and put him in hell; and what a wretched place to return.'³

Undoubtedly, the path and way of the Muslims means that thing which is customary amongst the Muslims. It is stated in Ad Durr ul Mukhtār,

¹ Jadhb ul Qūloob, Chapter 9 – Masjid ul Quba

² 'Umdat ul Qārī, Kitāb us Salāh

³ Sūrah An Nīsā (4:115)

‘And it is permissible to imprison a servant to avoid rebellion and absconding. This is the way of the Muslims regarding disobedient people.’¹

And it is stated in the Hadīth of Sunan Ibn Mājah;

‘Follow the greatest (majority) group (As Sawād ul Ā'zam), for he who deviates (from it) shall be thrown out into Hell.’²

Imām Abū Hanīfah رحمہ اللہ relies upon the customs ('Urf) of the people of Islām and their habits – as is stated in Al Hidāyāh;

‘If there is no proof within the texts, then it is based upon the common practices of the people.’³

It is also stated in Al Hidāyāh,

‘Because it is generally recognised, the general rule (of no restrictions) applies upon it.’⁴

It is stated in ‘Al Birjandī (i.e. Sharh un Nuqayah which is the synopsis of Al Wiqayah),’

‘Custom is also an authoritative source as proven through clear text. (The Messenger of Allāh) said, ‘Whatever the Muslims view (to be good then it is good)’⁵....’⁶

¹ Ad Durr ul Mukhtār, Kitāb ul Hadhri wal Ibāhah, Fasl fil Bai’

² Refer to Al Mishkāṭ ul Masābīḥ, Kitāb ul Imān, Bāb ul I'tisāmī bil kitābi was Sunnah

³ Al Hidāyāh, Kitāb Ul Buyoo', Bāb ur Ribā

⁴ Al Hidāyāh, Kitāb Ul Buyoo', Bāb ur Ribā (with some alteration)

⁵ Al Mu'jam ul Awsat by At Tabarāni, Bāb uz Zā, Al Musnad Imām Ahmad

⁶ Sharh un Nuqayah, Kitāb ul Bai', Fasl ur Ribā

The Noble scholars prefer conformity with the people in gatherings in terms of etiquettes, manners and other issues regarding which there are no prohibitions within Islamic Law. Scholars forbid going against these norms as Imām Al Ghazālī explained. Imām Al Ghazālī¹ took proof from the following Hadīth;

‘Behave with people in accordance with their characters.’²

Imām Al Ghazālī also takes proof from the narration of Sayyidunā Ibn Mas’ūd رضي الله عنه that the Prophet ﷺ said,

¹ Ihyā ‘Ulūm-ud-Dīn, Kitābu Ādāb is Samā’i

² Al Mustadrak of Al Imām Ha8kim, Kitaab Ma’rifat-us-Sahaabah.

NOTE ABOUT THIS NARRATION – This Hadeeth is not narrated from Abu Dharr except with this Isnaad (chain) i.e. By the way of Abi Tawbah who said, “Yazeed Bin Rabee’ah narrated to us from Abil Ash’ath As San’aani who narrates from Abu Othmān An Nahdi who narrates from Abu Dharr.” Abu Tawbah is alone in narrating this Hadeeth through this chain. (Al Mu’jam ul Awsat, Man ismuhuu Ahmad under the letter ج. Al Hākim stated, “This Hadīth is Sahīh (authentic) upon the condition of the Shaikhain (Al Imām Bukhārī and Al Imām Muslim) who did not extract this narration. Adh Dhahabi stated about Ibn Yazeed that they did not narrate from him. (Al Mustadrak, Kitāb Ma’rifat-is-Sahābah). Al Bazzār narrated it. In his narration there is Yazeed Bin Rabee’ah who is Matrūk (i.e. there is accusation (tuhmah) of the narrator being a liar and that his Hadeeth is not known except through his way and it is against the well known Qawāid (principles). Ibn ‘Adi said, “I hope that there is no problem with him. (Majma’-uz-Zawāid, Kitāb ul Fitān, Bāb fī ayyām is sabri wa fī man yatamassaku bi deenihi fīl fitāni). There are other Ahādīth with the exact meaning. Example of this is what At Tabarānī and Abu Shaykh extracted from Ibn Mas’ūd going back to the Messenger of Allāh peace be upon him: «تَكَلَّمْ خَالِطَ النَّاسِ بِمَا يَشْتَهُونَ، وَدِينَكَ قَالَ» - ‘Mingle with the people in accordance to what they desire. And do not compromise your religion.’ Similarly, Sayyidunā Ali narrated with attribution to the Prophet, «خَالِقٌ لَا تَسْلَمُهُ لِأَحَدٍ فَالْجَرَّ مَخَالِقَةً، وَخَالِصُ الْمُؤْمَنِ مَخَالِصَةً، وَدِينَكَ لَا تُسَرِّدُ دِينَكَ لِأَحَدٍ فَالْجَرَّ مَخَالِقَةً» - ‘Deal with the disobedient accordingly and deal with the Believer sincerely. And do not surrender your Deen (religion) to anyone.’ And in another Hadīth it is stated, «خَالِطُوا النَّاسَ عَلَى قَدْرِ إِيْمَانِهِمْ» - ‘Deal with the people in accordance to their belief.’ (Kashf ul Khifā, Harf ul Hamzah, Al Hamzah ma’al mīm)

‘Whatever Muslims view to be good, is good in the Court of Allāh.’¹

The Habit of the nation and their custom and their conduct is taken into consideration within Islamic Law

The essence of our discussion is that the customs of the community, its traditions and its conduct are relied upon within the Islamic Law and they are classed as legislative proof within Islamic Law. Deriving proof from these things and establishing them as evidence is sufficient when they are not conflicting with evidence that is equal or stronger. Establishing proof from ‘Urf (custom) will not be prevented (merely) due to there being no narration for establishing that it was acted upon in the first three generations. For indeed the scholars have established evidence through it regarding hundreds of matters that were not customary during the first three generations. Furthermore, the scholars permitted and approved of many matters in spite of them being new (at that time).

The Ninth Principle

The Statement of the majority is legislative evidence similar to the Ijmā’ (Consensus) of the Ummah

The statement of the majority is legislative evidence, similar to the statement of all. However, the differentiating factor is that the statement of the entire nation is a definitive (proof) whilst the statement of the majority is considered presumptive. It is in the Noble Verse of the Holy Qur’ān,

¹ *Al Mu’jam ul Awsat, Bāb uz Zā, Man ismuhū Zakariyyā.*

NOTE ABOUT THIS NARRATION

– والمراد بالمسلمين زبدهم وعمدتهم، وهم العلماء بالكتاب والسنة الاتقياء عن الحرام والشبهة
The meaning of Muslims (in this Hadīth) is their superiors and their chiefs who are the ‘Ulamā (scholars) of the Book (Holy Qur’ān) and Sunnah who avoid Al Harām (the prohibited) and doubtful things – Mirqāt –ul-Mafātīh, Kitāb us Salāh, Bāb ut Tanzīfi wat Tabkīri

‘And he follows a way other than that of the believers.’¹

In order to prove this principle, the narration of Ibn Mājah² is sufficient along with what is transmitted from Sayyidunā Ibn Mas'ūd because the way in which– ‘the path of the Muslims and their way’ applies to the customs of the Muslims and their rituals, it is correct for it to apply upon the statement of the majority as well. Similar to this is the narration of Ibn Mas'ūd - ‘What the Muslims view...’³ As for the Hadīth, it is explicit in obeying the majority in statement or action. This is because what immediately comes to mind from As Sawād ul A'dham (the great mass) is a group consisting of multitude.

At Tībi narrated from Al Mufradāt (Mu'jamu Mufradāti Alfādh il Qur'ān)⁴ stating,

The term “As Sawād” is expressed for the large group.’⁵

And it came in the Hadīth with the word,

‘It is incumbent upon you to be with the congregation (Jamā'ah) and the majority corpus (of Muslims).’⁶

The word, ‘Al-Aammah’ "is often used in the meaning of ‘majority.’

The second narration of Ibn Mājah clarifies,

¹ Sūrah An Nisa (4:115)

² Muqaddimah (Introduction) of Sunan Ibn Majah

³ Al Mu'jam ul Awsat by At Tabarāni, Man ismuhū Zakariyyā, Musnad of Al Imām Ahmad Ibn Hanbal

⁴ Mu'jamu mufradāti alfādhil Qur'ān – As Sīn

⁵ Al Kāshif 'an haqāiq is Sunan, Kitāb ul Imān

⁶ Musnad of Al Imām Ahmad, Musnad ul Ansār

‘Indeed, my nation will not gather upon misguidance; so, when you see dispute, then it is incumbent upon you to be with great majority (As Sawād ul A’dham).’¹

The Tenth Principle

Deducing rules and extracting judgements are not exclusive to the Mujtahid²

Inference from Dalālat-un-nass (the indicative matters understood from the core text of the Qur’ān and Sunnah), deriving rules from the causes that are clearly stipulated within the Holy Qur’ān and Sunnah, applying universal rules (Al Hukm ul kullīy) upon particular matters (Juziyyāt), clarifying the ambiguous matters (mubhamāt), elaboration of the general concepts, extraction of derivative rules with the proof of equality (between both matters), taking proof from the principles of the Mujtahid regarding which there are no clear words from the Mujtahid as well as regarding the events and occurrences which were not present during their time, understanding rules from Adh Dhāhir (A term of Ūsūl ul fiqh used for a statement that is clear in its meaning to the extent that the listener comprehends it without any need for further reflection or contemplation), An Nass (A term of Ūsūl ul Fiqh used for an expression that clarifies the cause for a statement being made – i.e. the original purpose behind stating something), Al Muhkam (A term of Ūsūl ul Fiqh used for an unequivocal expression which is emphatic and therefore it is not possible to go against it or change its meanings in any way with justification. It is stronger in its emphasis than Al Mufassar) and Al Mufassar (A term of Ūsūl ul Fiqh used for an expression that is explained in such a way by the speaker that there is no possibility for interpretation and specification) and extracting results from

¹ Sunan Ibn Majah, Kitaab ul Fitan

² Mujtahid is a scholar of authority who has mastered the sciences to derive judgements in relation to contemporary matters considering rulings from the Holy Qur’ān, Sunnah, Ijma’ and Consensus without being dependent upon any other scholar.

explicit prologues considering Al Qiyās ul Iqtirāni (connected analogy) and Al Qiyās ul Istithnāe (exceptional analogy) – these are not exclusive to the Mujtahid alone.

Al 'Allāmah At Tahtāwi stated regarding mentioning of Allāh's name at the beginning of a book when answering a question which was,

'Is extracting Islamic Legislative rules from the evidences (Al Adillah) for the rank of the Mujtahid alone?'

Al 'Allāmah At Tahtāwi stated in response,

'As for understanding the rulings such as Adh Dhāhir, An Nass and Al Mufassar, these are not specific to him (Mujtahid). In fact, general scholars are capable of it.'¹

And Imām Ash-Sha'rāni stated in Al-Mīzān, 'Like the Shāri' (legislator) clarified for us through his Sunnah that which was obscure from the Noble Qur'ān, similarly the Mujtahid leaders made clear for us what was obscure from the blessed Ahādīth. If it was not for their explanation of that to us (i.e. their explanation of what was not clear from the Ahādīth), the Sharī'ah would remain obscure. The proposition is the same in relation to the people of every generation in terms of their connection to those before them and (it is the same in relation to) each generation until the day of judgement.'²

¹ Hashiyā At Tahtāwī 'alad durr, khutba-tul-kitāb

² Al Mīzān ul Kubrā, Volume 1 Page 46

TRANSLATOR'S NOTE: This means that each generation is indebted to the generation before it for clarifying the matters which could not clearly be understood by subsequent generations without the explanation of the preceding generation.

The Eleventh Principle

The Conduct of the people of Al Haramain Ash Sharīfain is evidence

The matter which the people of the two Holy Sanctuaries (Al Haramain Ash Sharīfain)¹ – have conduct upon² i.e. the matter which their elite (Khawwās) and their general public (‘Awām) act upon and their ‘Ulamā (scholars), their leaders (Aimmah) and their A’yān (prominent people) unanimously have conduct upon is such a matter which is proof from which those jurists (Fuqahā) take evidence who are reliable. The trusted ‘Ulamā (scholars) also derive proof (from such a matter). These (scholars and jurists) dislike going against (the conduct of the people of Haramain). For example, Imām Abū Yusuf and Imām Ash Shāfi’ī took proof from this conduct in relation to the ruling of the Adhān (call to prayer) of Fajr. It is in Al Hidāyāh;

‘And Call to Prayer should not be announced for any Prayer before its starting time and it should be repeated in the proper time (i.e. if offered before the starting time then the Adhān should be repeated when the time commences). This is because the Call (Adhān) is the conveyance of news. Announcing it prior to the time denotes creating ignorance. Abu Yusuf said and this is the statement of Ash-Shāfi’ī as well;

“It is permissible for Fajr in the last half of the night due to the heritage of the Haramain.”³

¹ Makkāh Al Mukarramah and Al Madīnah Al Munawwarah

² Of course the meaning of it is the long-established people of Al Haramain from the Ahl us Sunnah wal-Jama’ah – Al Maturidiyyah and Al Ashā’irah and who were followers of the four jurisprudential schools. It does not mean the extreme and radical rulers who turn away from the sound and moderate belief (Al ‘Aqīdah Al Wastiyyah Al Mu’tadilah As-Salīmah). They, are those who have (initiated a new sect and thus) destroyed the reputation of the Muslims in the world due to their extremism.

³ Al Hidayah, Kitaab us Salaah

It is in Tuhfat-ul-Bararah,

‘And as to what appeared in some narrations regarding prohibition of visiting graves on a Friday before the Salāh - there is no basis for it because it is against the custom of the people of the Haramain.’

Dear reader, look how opposition to the people of Al Haramain was the reason for not accepting the narration!

It is stated in ‘Sharh ul Kanz’ of Al ‘Aini, “Resting after five Tasbīhāt (i.e. in Salāt ut Tarāwīh after 10 Rak’āt) is disliked according to the majority because it is against the action of the (people of) Haramain.¹ It is in the Hadīth ,

‘Indeed faith shall return to Al Madinah...’²

This Hadīth contains evidence upon the proposition (that the conduct of the people of Al Haramain is evidence). Al ‘Allamah Al Qurtubi said,

‘And there is a warning in it upon the authenticity of their position and their preservation from innovations and (furthermore) that their action is proof in this time of ours.’³

Our proposition is not negated by the occupation of the extreme and radical individuals in Al Haramain Ash Sharīfain nor does this have any effect in terms of establishing negation of the claim. The reality is that we do not consider the people of Al Haramain to be innocent like the Prophets. Similarly, we do not consider their dealings and their unity to be a definitive proof equal to the Word of Allāh and His Messenger. We do not class

¹ Ramz ul Haqāiq, Kitāb us Salāh

² Sahīh Muslim, Kitāb ul Imān

³ Al Mufhim, Kitaab ul Imān

the conduct of the people of Al Haramain to be equal to the consensus of the Muslim nation.

We do not believe that each of them is independent in comprehending the legislative matters and is equivalent to Al Mujtahid Al Mutlaq. We consider it to be a legislative proof when it is not in opposition to another proof.

The Mujtahid leaders considered the conduct of the people of Al Haramain and these Mujtahidūn derived rulings through this conduct. The apparent wording of the core texts supports this. Therefore, opposing this without any strong evidence is abhorrent.

The Twelfth Principle

The silent consensus is reliable within the Sharī'ah

The unity of a specific group of the Muslims regarding a statement or an action and the silence of the rest (of the Muslims) is a silent consensus (Ijma' Sukūti). This (silent consensus) is a Legislative proof according to the Hanafīs and the majority (Jumhūr). It is stated in 'Noor ul Anwār':

'This means that some of them unite upon a statement or an action and the rest remain silent regarding them and they (i.e. the rest) do not rebut them after the time of contemplation passes – which is three days or (it is after) the attaining knowledge (of the matter). This is called silent consensus. This is acceptable according to us (and there is a difference of Ash Shāfi'ī in this regard).¹

It is evident that Imām Ash Shāfi'ī also deduces proof through consensus (Al Ijmā') without any time constraint. Establishing the unity of all is a very difficult matter. Therefore it is not necessary at this point for there to be knowledge that there is no opponent. Moreover, it is sufficient for there to be no

¹ Nūr ul Anwār, Bāb ul Ijmā'

awareness of any opponent after the matter becomes well known and after the time of contemplation passes. In 'At Tahqīq – Sharh ul Husāmi' it is stated,

‘When some of the people of consensus clearly state the ruling pertaining to an issue prior to the school (Madhab) being firmly established regarding the ruling of that matter and that (ruling of these people) spreads amongst the people of the time and the period of contemplation passes and no opposition (to this ruling) becomes apparent, then that is Ijmā' (consensus) according to the majority of the scholars and it is called “Silent Consensus” Ijmā' Sukūti.’¹

The Thirteenth Principle

**The previous difference finishes after the subsequent unity
“as if it did not exist.”**

Once there is unity (after any previous difference), the matter becomes one that has reached consensus (Ijmā'). The correct position according to Imām Abū Hanīfah is that delayed consensus can take place and (when it does then) the previous difference of opinion is lifted from the midst.² It is stated in Musallam uth Thubūt,

“The unity of the subsequent generation after disagreement amongst the previous generation is preferred, and becomes a proof. The majority of the Hanafīs and Shāfi'īs agree upon this.”³

Therefore, it is not appropriate to discuss the issue of Awl⁴, gathering of wealth, temporary marriage, hearing of the

¹ Ghāyat ut Tahqīq, Bāb ul Ijmā'

² Please refer to Nūr ul Anwār, Baab ul Ijmā'

³ Refer to Musallam uth Thubūt, Al Asl 3, Al-Ijmā'

⁴ **Translator's Note** - In the terminology of 'Ilm ul farā'idh (law of inheritance) Al 'Awl is the ruling originally issued by Sayyidunā Omar Ibn Al Khattab رضي الله عنه upon the advice of Sayyidunā AbdUllāh Ibn Abbās رضي الله عنه. It occurs when the number of shares exceed the overall number of shares available. To resolve

dead, the Vision of the Almighty and the Physical Ascension of the Prophet ﷺ, by narrating differing opinions of some Noble Companions رضي الله عنهم. Similarly, it is erroneous to discuss the issue of commemorating the Noble Birth of the Holy Prophet (Al Mawlid un Nabī) by debating the statement of a certain objector even though the scholars have already refuted him letter by letter in the subsequent era. The general Muslims have already agreed upon its beauties and its virtues (i.e. of Al Mawlid un Nabī), It is stupidity, oppression and transgression to repeat unusual and rejected statements. Furthermore, it is wrong to repeatedly rebut matters that are already agreed upon.

The Fourteenth Principle

It is disliked to continue an action believing it to be obligatory

There is no harm in continuation upon a matter which is not Wājib (obligatory) and this is not disliked within the Sharī'ah with the condition that the one who is carrying out the action does not believe it to be obligatory. If he believes it to be obligatory or a compulsory duty, then there is no doubt that this is an error. For this reason, some scholars apply the ruling of "Dislike" (Karāhah) upon such actions or they leave them or they rule that such actions should be left. However, the basis for the ruling is the false belief that makes a matter "obligatory" whilst it is not. In this way, it is possible for the action which is attached to the [wrong] belief of "obligation" to be described as being "Disliked". Furthermore, it is possible to rule that an action be forsaken which is of such a nature that it is not possible to remove the aforementioned belief except by the action itself being forsaken. The proof of this principle is the statement of Allāh, the Lord of the universes, reprimanding [the Christians] for not taking into consideration the [the proper implementation] of Monasticism (Rahbāniyyah);

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this, the number of overall shares available is increased and the increased number is marked to show Al 'Awl has been applied.

‘And they invented monasticism...then did not properly abide by it as it should rightfully have been abided by.’¹

The Christians were reprimanded by the Lord of all universes for their neglect of an action that was new and one that they initiated within their religion.

Like this is the Messenger of Allāh's statement,

‘The most virtuous acts of worship are those that are the strongest.’²

There is no doubt that the continuous action is stronger.

It is also stated in the Hadīth,

‘The most beloved of actions to Allāh are those that are done continuously even if (seemingly) small.’³

There is also a narration in Saheeh Muslim, attributed to the Holy Prophet,

‘O AbdAllāh! Do not be like so and so. He used to offer [prayers] night vigil, and then he left the night vigil.’⁴

The Fifteenth Principle

The Respect of the Prophet ﷺ is beloved and desired within the Sharī'ah

Indeed, the reverence of our Master and Patron, Muhammad ﷺ, the Messenger of Allāh, is desired within the

¹ Sūrah Al Hadīd (57:27)

² An Nihāyah of Ibn Al Athīr

³ Sahīh Muslim, Kitāb Salāt il Musāfirīn

⁴ Sahīh Muslim, Kitāb us Siyām

Sharī'ah and is beloved to Allāh ﷻ in whatever form it is. Revering him is obligatory based upon the clear proofs of the Qur'ān, Sunnah and consensus of the nation and it is a sign of faith. This is because our Prophet ﷺ is from the greatest signs of Allāh and the most supreme of all sacred things. Allāh ﷻ stated;

‘Whoever reveres the sacred things of Allāh that is then goodness for him in the sight of his Lord.’¹

Allāh the Almighty also stated,

‘So those who believe in him and revere him and help him and follow the light which came down with him – it is they who have succeeded.’²

Allāh ﷻ also stated,

‘In order that you, (O People) may accept faith in Allāh and His Noble Messenger, and honor and revere him (the Noble Messenger).’³

(And in one recitation) the word of the above Verse is read, "تَعَزَّوْهُ" – “That you respect him.” This word is from العِزّ meaning respect.

Allāh ﷻ said,

‘O people who believe! Do not advance ahead of Allāh and His Noble Messenger, and fear Allāh; indeed, Allāh is All Hearing, All knowing.’⁴

¹ Sūrah Al Ambiyā (22:30)

² Sūrah Al A'rāf (7:157)

³ Sūrah Al Fath (48: 7)

⁴ Sūrah Al Hujurāt (49:1)

Allāh ﷻ said,

‘O people who believe! Do not raise your voices higher than the voice of the voice of the Prophet, nor speak to him loudly the way you shout to one another, lest your deeds go to waste whilst you are unaware.’¹

‘Indeed, most of those who call you from outside the chambers do not have sense. And had they been patient until you yourself came to them, it would be better for them; and Allāh is Oft forgiving, Most Merciful.’²

Allāh ﷻ said,

‘Do not presume among yourselves the calling of the Noble Messenger equal to your calling one another.’³

Allāh ﷻ said,

‘O people who believe do not say (to the Prophet Muhammad) Raaena⁴ but say “Look mercifully upon us” and listen attentively (from the start). And for the disbelievers is a painful punishment.’⁵

And Allāh ﷻ said,

‘Indeed, those who suppress their voices in the presence of Allāh’s Noble Messenger, are the ones whose hearts Allāh has tested for piety; for them is forgiveness and a great reward.’⁶

¹ Sūrah Al Hujurāt (49:2)

² Sūrah Al Hujurāt (49: 4&5)

³ Sūrah An Nūr (24:64)

⁴ (which meant “be considerate towards us” but the Jews would say this word with the intention of using a derogatory term)

⁵ Sūrah Al Baqarah (2:104)

⁶ Sūrah Al Hujurāt (49:3)

Allāh, the Lord of the worlds, made the honor and reverence of His Noble Beloved necessary upon the creation within these Blessed Verses. Allāh the Almighty praised to a great extent those who revere the Prophet ﷺ. Allāh severely reprimands those who behave improperly towards the Messenger of Allāh ﷺ even if the disrespectful behavior is due to ignorance. Allah ﷻ made the respect of the Prophet ﷺ, the respect of the Almighty Himself and He made the disrespect of the Prophet, disrespect of the Almighty Himself.

It is narrated from Abū Sa'īd Ibn ul Ma'lā (رضي الله عنه) that he said, 'I was performing Salāh when the Prophet ﷺ called me therefore I did not respond in his Noble Court. I said, "O Messenger of Allāh, I was praying." The Prophet said, "Did Allāh not say

‘O people who believe! Present yourselves upon the command
of Allah and His Noble Messenger when he (the Noble
Messenger) calls you...’

It was as though the Holy Prophet ﷺ was guiding the Noble Companion that it was necessary upon him to answer the Messenger of Allāh even during Salāh.

Virtues of sending Blessings upon the Prophet ﷺ (Durood Shareef to the Prophet)

Alongside all the commands to revere, Allāh Himself sends blessings upon the Prophet and Allāh the Almighty addresses him with great titles bestowing utmost honor to the Final Messenger. Examples of these are;

"يا أَيُّهَا النَّبِيُّ" – 'O Prophet'

"يا أَيُّهَا الرَّسُولُ" – 'O Messenger'

"يا أَيُّهَا الْمَزْمَلُ" – 'O the one wrapped in piety'

"يا أَيُّهَا الْمُدَّثِّرُ" – 'O the Cloaked One'

There are many other honorific titles too. This is different from the way our Lord addresses the other Prophets. For indeed Allāh the Almighty addresses them with their names. For example, Allāh the Almighty addressed the Father of Prophets as "يا آدم" – 'O Ādam.'

Allāh ﷻ stated in the Holy Qur'an;

'Indeed, Allāh and His Angels send blessings on the Prophet; O People who believe send blessings and abundant salutations upon him;'¹

Al Baidhāwī stated in the Tafsīr (interpretation) of the above Verse ;

'They are attentive in order to express his nobility and the greatness of his status so you should also be attentive as you are very apt for that due to being his nation. Say, "O Allāh send blessings upon our Master, Muhammad. And salutations upon you O Prophet."

Send blessings upon him and abundant salutations!

The habit of the Companions ﷺ in revering the Prophet ﷺ, venerating him and their holding him in high esteem.

After the revelation of the following Verse, the Companions of the Prophet ﷺ used to speak to him as if they were whispering;

'O you who believe, do not raise your voices...'²

¹ Sūrah Al Ahzāb (:56)

² Sūrah Al Hujurāt (49:2)

They would sit in the gathering of the Prophet ﷺ with respect and reverence with their heads bowed as though there were birds on their heads. It is in the Hadīth,

'By Allāh, the Messenger of Allāh did not extract phlegm except that it dropped in the palm of a man from amongst them who would rub it against his face and his skin. And when he instructed them, they immediately acted upon his command.

When he performed ablution, they began to fight over his ablution water. When he spoke, they lowered their voices in front of him. They would not fix their gazes towards him out of reverence for him.'¹

These narrations and hundreds of other narrations, events, circumstances and state of affairs have been narrated about the great Companions and the best of the Followers. Respect and reverence of the Holy Prophet ﷺ through different ways – both by words and actions, has been narrated from the pious predecessors, noble leaders, sound scholars, great spiritual leaders of the Sūfī paths and the great luminaries amongst the jurists as is recorded in the numerous books.

The Sixteenth Principle

The Respect of the Prophet ﷺ is not limited to his apparent worldly life; in fact, it is obligatory upon the creation to revere him in the same manner even after his passing away.

Indeed, revering the Holy Prophet ﷺ, praising and respecting him are not limited to his apparent lifetime alone. In fact, they are also obligatory upon the creation after his passing away as is known from the unrestricted nature of the clear texts. Imām Al Bukhārī extracted in his Sahīh from As-Sā'ib Bin Yazīd (رضي الله عنه) who said, "I was standing in the Masjid when a man nudged me. I looked and it was Omar Ibn Al Khattāb who said,

¹ Sahīh Al Bukhārī, Kitāb ush Shurūt

“Go and bring me these two (men).”

So, I brought them both. Sayyidunā Omar said, “Who are you both and where are you from?” They said, “We are from the people of At-Tāif.” Sayyidunā Omar said, “If you were from the people of Al Madinah, I would cause you pain (I would punish you). You raise your voices in the Masjid of Allāh’s Messenger ﷺ!”¹

It is stated in Ash-Shifā, Abā Ja’far (the leader of the believers i.e. ruler) had a discussion with Imām Mālik in the Masjid of Allāh’s Messenger ﷺ. Imām Mālik said to him, ‘O Leader of the Believers! Do not raise your voice in this Masjid. For indeed Allāh taught a group respect and said,

‘O People who believe! Do not raise your voices higher than the voice of the Prophet.’²

And Allāh praised a group when He stated,

‘Indeed, those who suppress their voices in the presence of Allāh’s Noble Messenger.’³

And Allāh the Almighty reprimanded a group when He said,

‘Indeed, most of those who call you from outside the chambers do not have sense.’⁴

This is because it is confirmed that the Sanctity of Allāh’s Messenger ﷺ after his passing away is the same as during his life i.e. it is prohibited to raise one’s voice in his

¹ Sahīh Al Bukhārī, Kitāb-us-Salāh

² Sūrah Al Hujurāt (49:2)

³ Sūrah Al Hujurāt (49:3)

⁴ Sūrah Al Hujurāt (49:4)

presence after his meeting His Lord just as it was prohibited and was against etiquette during his life.'

When the Khalifah heard this speech from Imām Mālik, his heart became soft. The Khalifah said,

'Should I face the Qiblāh and supplicate or should I face the Messenger of Allāh ﷺ?'

Imām Mālik said, 'Why would you turn your face from him when he is your medium (Wasīlah) and the medium of your father Ādam ﷺ to Allāh the Almighty until the day of judgement. Moreover, face him and seek his intercession then Allāh will accept his intercession. Allāh the Almighty states, 'And if they, who have wronged their own souls, come humbly to you (O Dear Prophet Muhammad) and seek forgiveness from Allāh, and the Noble Messenger intercedes for them, they will certainly find Allāh as the Most Acceptor of Repentance, the Most Merciful.'¹

When the crowd of people around Imām Mālik increased, it was said to him, 'If only you had made a representative who would convey (your message) to the people. Imām Mālik said, 'Allāh the Almighty said,

'O people who believe, do not raise your voices higher than the voice of the Prophet.'²

The sanctity of the Prophet whilst alive and after his passing away is the same.'³

Look how this great Imam has clearly stated our position and he derived proof from the generality of the texts which came

¹ Sūrah An Nīsā (4:64); Ash-Shifā, Al Qism 2, Al Bāb 3)

² Sūrah Al Hujurāt (49:2)

³ Ash-Shifā, Al Qism 2, Al Bāb 3

regarding the reverence of the Prophet. Imām Mālik classed them to be inclusive of the life of the world and the life of Al Barzakh (after the soul has departed from the worldly life but before the day of judgement). Similarly, the statement of Sayyidunā Omar Ibn Al Khattab رضي الله عنه which is narrated in Sahih Al Bukhārī is as though it is explicit regarding what we claim.

Al Qādhī 'Iyādh has clearly stated in his famous book, 'Ash-Shifā fī Huqūq il Mustafā,'

'Indeed, the sanctity of the Prophet ﷺ after his passing away and his veneration and honor are necessary just as it was during his worldly life.'¹

¹ Ash-Shifā, Al Qism, Al Bāb 3

TRANSLATOR'S NOTE: It should be remembered that the belief of Ahl us Sunnah is that the Noble Prophets are alive after tasting death with a life that is even more powerful than their worldly lives. Al Hāfidh Al Imām Abū Bakr Al Baihaqī in his book 'Al I'tiād;

'After the Prophets ﷺ are taken from the world, their souls are returned to them. They are alive in the Court of their Lord. The Prophet saw a group of them and led them in Salāh. The Messenger of Allah ﷺ informed us that our Salāh (Dūrūd Sharīf) is presented to him and our salutations reach him. Allāh made it forbidden upon the earth to consume the bodies of the Prophets.

Ambā ul Adhkiyā by As Suyūṭī page. 37

Al Imām Ibn Hajar Al 'Asqalānī stated,

'His life (peace and blessings of Allah be upon him) in the grave is not followed by death moreover he remains alive and the Prophets are alive in their graves.

Fath ul Bāri Bāb Fadhail Abi Bakr

Al Imām Al Qastalānī stated,

'Undoubtedly the lives of the Prophets are established, accepted and continuous. Our Prophet is the most virtuous of Prophets. As this is the case, it is necessary that his life is greater in perfection and completion in comparison to their lives.

Al Mawāhib ul Ladunyah

The Seventeenth Principle

Respecting the Prophet's ﷺ Commemoration, and revering his blessed words after his passing away

From the ways of respecting the Prophet ﷺ after his passing away is to revere his recollection, to honor his blessed words and to respect his noble name. The pious predecessors established this reverence and made it obligatory just as it was during his life. They said,

‘It is obligatory upon every believer whenever he mentions the Holy Prophet ﷺ or whenever the Noble Prophet ﷺ is mentioned before him to become humble, attentive, respectful and motionless. He should be in awe and veneration and thus restraining himself as he would if he was before the Messenger of Allāh ﷺ. And he should maintain respect in front of Allāh’s Messenger ﷺ with the etiquette taught by Allāh to us. This was the way of our pious predecessors and past leaders.’

The path of the pious predecessors in respecting the Prophet ﷺ, respecting the commemoration of his Hadeeth and narration of it

When the Prophet ﷺ was mentioned in front of Imām Az Zuhri رحمته الله, it was as though he did not recognize you and you did not recognize him.¹ When Abdur Rahmān Ibn Al Mahdī read the Hadīth of the Prophet ﷺ, he commanded them to be silent and said,

‘Do not raise your voices above the voice of the Prophet ﷺ.’²

¹ Ash-Shifā

² Sūrah Al Hujurāt (49:2)

This means that it is necessary for one to be silent when reading his Hadīth just as it was necessary when hearing the words directly from the Prophet ﷺ himself.

Similarly, it is necessary to revere everything (and every one) that has a connection to the Prophet ﷺ like his Relatives, his Family, his Companions, his Wives, his freed Servants, his Assistants, his Blessed Hair, his Blessed Clothing, his Blessed City, his Sacred Masjid, his Pure Chamber and his Enlightened Tomb. Similarly, it is necessary to revere whoever had the honor to attain some part of his blessed physical features or part of his character or the blessed House in which he resided or a place in which he slept, performed Salāh, or touched or a place which is attributed to him; revering these things is a kind of reverence of Allāh's Messenger ﷺ after his meeting his Lord. The Ahādīth, the other narrations and the statements of the pious predecessors are abundantly filled with this issue in addition to what is declared within the Holy Qur'ān regarding the reverence of the sacred relics of the Prophets ﷺ. This is not hidden from anyone due to what we have mentioned earlier.

When the Prophet ﷺ was mentioned, Imām Mālik's complexion would change, and he would bow down so much, that it would make his companions perturbed; he was therefore asked about it one day and he replied,

'Were you to see what I have seen, you would not object to what you see (me doing).'¹

The great Imām Mālik would not relate the Hadīth of the Messenger of Allāh ﷺ unless he was in the state of ablution out of veneration of him. He used to bathe, wear new clothes, put on

¹ Ash-Shifā

the turban, apply perfume, burn incense and then narrate the Hadīth of Allāh's Messenger ﷺ, with complete veneration.¹

One day he was mentioning the Hadīth when a scorpion bit him sixteen times and his color changed to yellow yet he did not stop relating the Hadīth midway. He said,

'I remained patient just because of the reverence of Allāh's Messenger ﷺ'.²

Imām Taqiyuddīn As Subkī arose upon hearing a stanza of Abu Zakariyya Yahya As Sarsari;

And the standing of the Nobles upon hearing it
Standing in rows or bowed upon their knees

Whoever, amongst the elite scholars who was present with Imām Taqiyuddīn As Subkī also arose. They stood up in reverence of the Prophet's ﷺ Praise and to obey Imām As Sarsari.³

The Eighteenth Principle

It is not conditional that the revered be visible and perceptible

It is not a condition of reverence that the one revered be visible and perceptible nor is it a condition that the venerated are present in front of the person who is carrying out the act of reverence. Otherwise even the act of worship – which is utmost reverence - would be deficient unless the Worshipped (Allah) be perceptibly present before the worshipper.



¹ Refer to Ash-Shifā Volume 2 Page 29

² Refer to Ash-Shifā Volume 2 Page 29



³ Please refer to 'Subul ul Huda war Rashād'


Facing the Qiblāh and having one's back towards the Qiblāh whilst answering the call of nature is not permissible at all according to the Hanafīs whilst it is impermissible according to the Shāfi'īs and Mālikīs when answering the call of nature in the wilderness.¹ However in both situations the Holy Ka'bah is not visible nor is it perceptible. In spite of this we are prohibited from facing the Qiblāh and having our backs towards it when relieving ourselves.

The Etiquettes of standing in front of the Prophet's Blessed Tomb

Standing respectfully in front of the Prophet's  Blessed Tomb and refraining from touching the walls due to honor and awe is from the reverence of Allah's Messenger  and is a form of good etiquette in his august court. It is stated in "Al Fatāwa Al Hindīyyah,"

"And he should not place his hand on the wall of the Tomb for that is most reverential and greater in terms of preserving its sanctity. And he should stand like he stands in Salāh."²

The truth is that – in the majority of instances – the respect that is shown is to the entity and its relationship, and not to the physical tangible attributes of those things. For example, the reverence of the Noble Progeny, the great scholars, the pious members of the nation and the spiritual leaders, is not due to their skin, their flesh, their features or their complexions – but rather it is the connection that they have with Allāh  and His Noble Messenger .

This matter is absolutely clear in regards to those things that the Messenger of Allāh  touched or the things that he

¹ Please refer to 'Radd ul Muhtār, Kitāb ut Tahārah'

² Al Hindīyyah, Kitāb-ul-Manāsik

attributed to himself. It is stated in the commentary of Ash Shifā (of Imām Al Qādī Iyādh) by Al Khafāji,

"He should therefore presume as such, be regardful of him (the Holy Prophet ﷺ) and envision him as though he is with him."¹

It is stated in Al Mawāhib ul Ladunya,

"He should bear in mind that The Noble Messenger ﷺ has knowledge of his standing in front of him and also that he is listening to salutations - just as he did during his life as there is no difference between his life and his passing away in relation to his observation of his nation - and that he is aware of their situations, intentions, aims and their feelings. That is manifest to him without any obscurity."²

Whenever respect, reverence and concentration increases along with the awe and greatness in one's heart, Salāh (Dūrūd) upon the Master of all creation increases in its benefit hugely.

It is stated in the Hadīth of Al Bukhārī and Muslim that the Prophet ﷺ said,

"Worshipping Allāh as though you see him"

It is known through clear and sufficient proofs that seeing Allāh in this world is impossible for non-Prophets. So how can it occur for anyone to see Allāh? Is this not just an imagination and an incorrect presumption? In spite of all that, utmost reverence, veneration and awe at a complete level, humility, inclination, overwhelming love, shyness and passion are the results of this observation and visualization. Ash Shaykh ul Muhaqqiq Abdul Haqq Muhaddith Dahlawī has stated this in

¹ Nasīm ur Riyādh, Al Qism, Al Bāb 3-4

² Al Mawāhib-ul-Ladunya Al Maqsad 10

his commentary on Al Mishkāt ul Masābīh.¹ The gnostics (people of cognition) describe this as "The Station of Perception" (Maqām ul Mushāhadah)."

Similarly, the remembrance of the revered and beloved gives such results - especially the remembrance of Allāh ﷻ and His Messenger ﷺ. This remembrance leads to the aforementioned outcomes. This is supported by what is narrated in Sahīh Muslim from Sayyidunā Abū Hurairah traced up to the Messenger of Allāh:

'Indeed, when the soul of the disbeliever leaves (Hammād said - He mentioned its odor and the curse that descends) the people of the skies say, "A dirty soul that has come from the earth." He said, 'It is said, "Take him to the last appointed time." Sayyidunā Abū Hurairah said, "Then the Messenger of Allāh ﷺ put the blessed cloth that was on him upon his nose like this."²

Look! Indeed, the Prophet ﷺ placed a cloth over his nose after mentioning the extraction of the soul of a disbeliever and its odor like cloths are placed when there is a reprehensible smell. Imām An Nawawī stated in commentary upon this Hadīth,

"The reason for bringing the cloth back was due to the mentioning of the bad smell emanating from the soul of the disbeliever."³

The Nineteenth Principle

Limiting the reverence of something without any proof from Shari'ah is not permissible

Indeed, Allāh ﷻ has made the reverence of the Prophet and his honor necessary upon us without specifying time and

¹ Ashi'at-ul-Lam'āt, Kitābul Imān, Al Fasl ul Awwal

² Sahīh Muslim, Kitāb ul Jannah wa sifātu na'īmihā wa ahlihā

³ Sharh Sahīh Muslim

without specifying a form or method. Allāh ﷻ did not limit it to a specific form or style. Therefore, if anyone respects the Messenger of Allāh ﷺ in whatsoever shape and form, in whatever time and place and through whichever statement or action then he has applied the general command and has acted upon the ruling of the Sharī' (legislator) so long as he has not gone against the Sharī'ah (in his method). This is why the Companions رضي الله عنهم used to respect and honor the Holy Prophet ﷺ as they wished - through words and actions of their choice. The Noble Prophet ﷺ did not prohibit them from these; in fact, he used to like it. The authentic works are filled with such events and situations.

Similarly, this was the method of the pious predecessors and the leaders of the four schools of jurisprudence. Indeed, they used to stand forth in reverence and honour of the Prophet ﷺ through ways and methods that they themselves had established during their times according to their wishes.

Most narrations which have passed in the previous sections establish and support this principle. There are hundreds of events recorded in the religious scripts. Therefore, the latter scholars have explicitly stated whilst looking towards this generality and towards the actions of the pious predecessors and the leading scholars of this nation that the action which is steeped in veneration of the Prophet ﷺ is most virtuous and most preferable as is stated in *Al Fatāwa Al Hindīyyah* with reference to *Fath ul Qadīr*. Similarly, it is stated in *Lubāb ul Manāsik*,

"Whatever is most effective in respect and veneration is good."¹

Imām Ibn Hajar stated in *Al Jawhar ul Munadham*,

"According to those with sights enlightened by Allāh, revering the Messenger of Allāh ﷺ with all types of reverence in which

¹ *Lubāb ul Manāsik*, Bāb Ziyāratī Sayyidil Mursalīn

there is no ascribing partnership in Allāh's Divinity is praiseworthy."¹

It is stated in the Hadīth,

"Indeed, the Angels spread their wings for the student of knowledge, out of happiness."²

This is the status of a student of knowledge from his nation - yet the extreme opponents debate and deceive in relation to the reverence of the Prophet ﷺ.

The Twentieth Principle

Al 'Urf (Custom) is considered in relation to reverence and glorification

Verily, the habits of a nation and their customs have great significance in the chapter of veneration and honor. The Arabs address their parents with "you" (using the singular pronoun) which is translated in Urdu as "tu". However, in the Indian subcontinent, the use of a singular pronoun when addressing a respected person is considered bad manners. Moreover, addressing a person of the same stature with a singular pronoun is considered bad manners as well.

If someone from the subcontinent addresses his father, a respected person or a community leader with a singular pronoun then the Sharī'ah would condemn him for insolence and bad manners in relation to them. This action would necessitate Ta'zīr (discretionary punishment) and reprimand.

The one who neglects or rejects any matter that is considered respectable in a country, tribe or era is worthy of condemnation. We have established with clear proofs in the Eighth Principle of this concise work that the Sharī'ah considers

¹ Al Jawhar ul Munadham, Al Fasl 1

² At Tirmidhī, Abwāb ul 'Ilm

the customs and traditions of a nation to be something to be considered. We also established that the scholars have relied upon the customs of nations in hundreds of rulings and they have issued rulings based upon these traditions.

The conformity of a nation is a cause for harmony which is desired by the Sharī'ah and is its aim. Allāh bestowed great mercy upon His Chosen Beloved and He said,

"But Allāh has created harmony among them."¹

Opposition to the general Muslims without any Sharī purpose implies abandonment, regarding which there is severe warning in the Statement of the Almighty;

"And follows a way other than that of the Believers..."² Sūrah An Nisā (4:115)

CONCLUSION

Dear reader, please preserve these principles. By Allāh's Will, they will provide benefit in relation to important matters. Inscribe them upon your throats even if it is with spears! They will return you to that which will quench your thirst and not to that which will cause thirst during the midday heat (on the Last Day).

And peace and blessings of Allāh upon the best of His creation, our Master Muhammad ﷺ, the Righteous and Pure, upon His

Family and Companions who possess clear light and a magnificent amount (of light) and upon all of us! And all praise is to Allāh, the Lord of the worlds!

¹ Sūrah Al Anfāl (8:63)

² Sūrah An Nīsā (4:115)



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